







1.

# *The Full Proceedings* OF THE *Wicked* High Court of Iustice

against King

## CHARLES

In Westminster Hall, on *Saturday*  
the 20. of *January*, 1648.

Together,  
*With the Kings Reasons and Speeches, and his Deportment on the Scaffold before his Execution.*

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*Translated out of the Latine,*  
by J. C.

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Hereunto is added, *A Parallel of the late Wars, being a Relation of the five years Civill Wars, of King Henry the 3<sup>d</sup>. with the Event of that unnatural War, and by what means the Kingdome was settled again,*

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*London, Printed for William Shears, at the Bible in St. Pauls Church-yard, 1654.*

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(I)



*The First Dayes Pro-  
ceeding of the High  
Court of Justice, &c.*



He Triall and the Execution of the last King of *England*, being still as much the wonder as the discourse of Christendome: I shall indeavour to represent it to you, with the exactest faithfulness that can possibly be desired; and although others have gone before me on the same subject, by the benefit of time; I doubt not but that I shall exceed them by the advantage of truth.



(2)

In the Supream Tribunal of Justice sitting at *Whitehall* in *Westminster*, Serjeant *Bradshaw* being President, and about seventy other persons, elected to be his Judges, being present; the Cryer of the Court, having Proclaimed his *Oyes*, to invite the people to attention, silence was commanded, and the Ordinance of the Commons in Parliament, in reference to the Examination of the King, was read, and the Court was summoned, all the Members thereof arising as they were called.

The King came into the Court, his head covered, Serjeant *Dendy*, being remarkable by the Authority of his Mace, did Usher him in; Colonel *Hatcher*, and about thirty Officers and Gentlemen did attend him as his Guard.

The Court being sat, the Lord President *Bradshaw* spake thus unto him.

*Charles*

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*Charls Stuart* King of *England*, the Commons of *England* assembled in Parliament, being touched with the sense of the Calamities which have happened to this Nation, and of the innocent blood spilt, of which you are accused to be the Author, have both according to their office, which they owe unto God, this Nation and themselves, according to the power and fundamentall faith intrusted with them, by the people, Constituted this supream Court of Justice, before which you are now brought to hear your Charge, on which this Court will proceed.

*Mr. Cook the Sollicitor Generall.*  
Sir, In the Name of the Commons of *England*, and of all the people thereof: I do charge *Charls Stuart* here present, as guilty of Treason and other great defaults, and in the name of the Commons of *England*,

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land, I require that his charge may be read unto him.

*The King, Stay a little.*

*L. President, Sir The Court hath given order, that the Charge shall be read: If you have any thing afterwards to plead for your self, you may be heard: Hereupon the Charge was read.*

**T***hat the said Charls Stuart being admitted King of England, and therein trusted with a limited Power, to govern by, and according to the laws of the Land, & not otherwise; And by his Trust, Oath, and Office, being obliged to use the Power committed to him, For the good and benefit of the People, and for the preservation of their Rights and Liberties; Yet nevertheless out of a wicked Designe, to erect, and uphold in himself an unlimited and Tyrannical power, to rule*



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rule according to his Will, and to overthrow the Rights and liberties of the people; Tea, to take away, and make void the foundations therof, and of all redress and remedy of misgovernment, which by the fundamental constitutions of this kingdom, were reserved on the peoples behalf, in the right and power of frequent and successive Parliaments, or nationall meetings in Councel; he the said Charls Stuart, for accomplishment of such his designs, and for the protecting of himself and his adherents, in his and their wicked practises to the same ends, hath traitterously and maliciously leavied war against the present parliament, and the people therein represented.

Particularly, upon or about the thirtieth day of June, in the year of our Lord, One thousand six hundred fourty and two, at Beverly, in the County of York; and upon, or about  
the

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*the 30<sup>th</sup> day of July, in the year a-  
foresaid. in the County of the City of  
Yor<sup>e</sup>, and upon or about the twenty  
four. day of August, in the same  
year, at the County of the town of  
Nottingham ( when and where he set  
up his Standard of war;) And also  
on, or about the twenty third day of  
October in the same year, at Edg-  
hill, and Keinton-field, in the Coun-  
ty of Warwick; and upon or about  
the thirtieth day of November, in  
the same year, at Brainchford, in the  
County of Middlesex: And upon,  
or about the thirtieth day of August  
in the year of our Lord, One thousand  
six hundred fourty and three, at  
Cavesham-bridge, neer Reding, in  
the County of Berks; and upon, or  
about the thirtieth day of October,  
in the year last mentioned, at, or neer  
the City of Gloucester; and upon, or  
about the thirtieth day of Novem-  
ber, in the year last mentioned, at  
Newbery,*

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Newbury, in the County of Berks;  
And upon, or about the one and thirtieth day of July, in the year of our Lord, One thousand six hundred forty & four, at Cropredybridge, in the County of Oxon; And upon, or about the thirtieth day of September, in the year last mentioned, at Bodmin, and other places neer adjacent, in the County of Cornwall; And upon, or about the thirtieth day of November, in the year last mentioned, at Newbery aforesaid; And upon, or about the eighth day of June in the year of our Lord, One thousand six hundred forty and five, at the Town of Leicester; And also, upon the fourteenth day of the same month, in the same year, at Nasebyfield, in the County of Northampton. At which severall times and places, or most of them, and at many other places in the land, at severall other times, within the years afore-

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*mentioned: And in the year of our Lord, One thousand six hundred forty and six; he the said Charls Stuart, hath caused and procured many thousands of the Free-people of the Nation to be slain; and by Divisions, parties and insurrections, within this land, by invasions from Forraign parts, endeavourred and procured by him, and by many other evil wayes and means. He the said Charls Stuart, hath not onely maintained and carried on the said War, both by land and sea, during the year before mentioned; but also hath renewed, or caused to be renewed, the said war against the Parliament, and good people of this Nation, in this present year, one thousand six hundred forty and eight, in the Counties of Kent, Essex, Surry, Suffex, Middlesex, and many other Counties & places in England & Wales and also by sea; and particularly, he*  
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*the said Charls Stuart, hath for that purpose, given Commission to his Son the prince and others, whereby besides multitudes of other persons, many such, as were by the parliament intrusted and imployed, for the safety of the nation, being by him and his agents, corrupted, to the betraying of their Trust, and revolting from the parliament, have had entertainment and commission, for the continuing and renewing of war and hostility, against the said Parliament and People as aforesaid. By which cruel and unnatural wars by him, the said Charls Stuart, leavied, continued, and renewed as aforesaid, much innocent blood of the Free-people of this nation hath been spilt; many families have been undone, the publick treasury wasted and exhausted, trade obstructed, and miserably decayed; vast expence and dammage to the Nati-*

on incurred, and many parts of the land spoiled, some of them even to desolation.

And for further prosecution of his said evil designs, he the said Charles Stuart doth still continue his Commissions to the said Prince, and other Rebels and Revolvers, both English and Forraigners, and to the Earl of Ormond, and to the Irish Rebels and Revolters, associated with him; from whom further invasions upon this Land are threatned, upon the procurement, and on the behalf of the said Charles Stuart.

All which wicked designes, wars, and evill practises of him, the said Charles Stuart, have been and are carried on, for the advancing and upholding of the personall Interest of Will and Power, and pretended Privilege to himself and family, against the publique interest, Common Right, Liberty, Justice and peace of  
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*the people of the nation, by and for whom he was entrusted, as aforesaid.*

*By all which it appeareth, that he the said Charls Stuart, hath been, & is the occasioner, author, and contriver of the said unnatural, cruel, and bloody wars, and therein guilty of all the treasons, murthers, rapines, burnings, spioles, desolations, damage & mischief to this nation, acted or committed in the said wars, or occasioned thereby.*

*And the said John Cook, by protestation (saving on the behalf of the people of England, the liberty of exhibiting at any time hereafter, any other Charge against him the said Charls Stuart; and also of replying to the Answers which the said Charls Stuart shall make to the premises, or any of them, or any other Charge that shall be so Exhibited) doth, for the said treasons and crimes, on the behalf of the said people of England, impeach the said Charls Stuart, as*

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*a tyrant, traitor, murtherer, & a publicke, and implacable enemy to the common-wealth of England: And pray, That the said Charls Stuart King of England, may be put to answer all and every the premises, that such proceedings examinations, tryals, sentence, and judgment may be thereupon had, or shall be agreeable to justice.*

*The King was oftentimes observed to smile in indignation, during the reading of the Charge, especially, at the words: Tyrant, Traitor, Murderer, and publicke enemy to the Common-wealth.*

*L. President Sir, you have now heard the Charge read, containing such matters, as do appear therein, you have observed that in the Conclusion thereof, It is required of the Court, in the Name of the Commons of England, that you answer to your charge, which the Court doth expect.* *The*

*The King.* I would be satisfied by what power I am called hither? It is not long since that I was in the *Isle of Wight*, How I came thither, the story is longer than I conceive fitting, in this place to declare; But I there entred upon a Treaty with both Houses of Parliament, with as much publick faith, as it is possible to be obtained from any people in the World. I there treated with a number of Honourable Lords and Gentlemen, and I treated honestly and faithfully with them; I cannot say, but they dealt very ingeniously with me; and we proceeded so farr, that the Treaty was even concluded. Now I would understand by what Authority, (I mean lawfull) I am brought hither. There are many unlawfull Authorities in the world, as Thieves and Plunderers in the  
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high-ways. I would know by what Authority I was taken from thence, and carried from place to place, I know not where? When I have understood the lawfulness of the Authority, I will make my Answer : In the mean time, remember that I am your King, your lawfull King ; and weigh well with your selves, what sins you heap on your own heads, and the anger and judgments of God which you will bring upon this land, I say seriously, weigh it before you further do proceed from one sin to a greater. Therefore declare unto me, by what lawfull Authority I sit here, and I will not refuse to Answer you. In the mean time I will not betray my trust. I have a trust committed to me by God, by an ancient and lawfull succession, I will not betray that by answering to a new and an unlawful

lawfull Authority; wherefore satisfie me in this, and you shall hear further from me.

*L. President.* If you had but pleased to observe what the Court did suggest unto you, when you first came hither, you had understood by what Authority you were brought hither; which Authority doth require of you, in the Name of the People of *England*, by whom you are elected King, that you make answer to them.

*King.* No Sir, I deny that.

*L. President.* If you do not acknowledge the Authority of the Court, they ought to proceed against you.

*King.* I tell them that *England* was never an Elective Kingdome, but hereditary, for almost, these two thousand years. Therefore declare unto me, by what Authority I am brought hither. I labour  
 c more

more for the liberty of my people than any of you, who pretend to be my Judges; and therefore I say, declare unto me, by what lawfull Authority I am placcd here, and I will answer you; otherwise, I shall make no answer at all.

*L. President.* Sir, how well you have administred, the power committed to you, is sufficiently known: The method of your Answering is to put Interrogatories to the Court, which doth not become you in this Condition. Twice or thrice it hath been represented to you.

*King.* There is present here a Gentleman, Lievtenant Colonel *Cobbet*, demand of him, if he did not bring me from the Isle of *Wight*, by force: I come not hither to submit my self to this Court. I will do as much for the Priviledges of the House of Commons,



mons, rightly understood, as any other. I see not here the House of Lords, which is able to constitute a Parliament, and the King ought to be the Super-intendent there. Is this to bring the King to his Parliament? Is this to bring the publick Treaty to an end, by the publick Faith of the world. Either show me your Authority established by the Scriptures, which are the word of God, or confirmed by the constitutions of the Kingdome, and I will answer you.

*L. President.* Sir, you have propounded a question, and an answer hath been rendred, but if you will not answer to what they to propound, the Court will take it into their consideration, how to proceed against you. In the meantime, they who brought you hither shall return you back again.

The Court desireth to be satisfied whether this be all the Answer that you will give them or not.

*King.* I desire that you would resolve me and all the world, in this one particular. Give me leave to acquaint you, that it is a thing of no small importance which you go about. I am sworn to keep the peace according to the duty, which I do ow to God and to my Land; and I will here perform it to the last breath of my Body: you shall therefore do wel first to satisfie God, and afterwards the Land, by what Authority you do this. If you do it by an usurped Authority, you cannot defend it. God who sitteth in the Heavens will call you, and all those, who have conferred this power on you, to give him an account of it. Satisfie me in this, and I shall answer you, for otherwise I should

should betray the Faith, committed to me, and the liberties of my people : Wherefore consider of it, and I shall be willing to answer you. For I do professe it is as great a sin to resist a lawfull Authority, as to submit unto a Tyrannicall, or any other unlawfull Authority : wherefore resolve me in this particular, and you shall receive my Answer.

*L. President.* The Court expecteth that you should give them a finall Answer, and will adjourn untill *Munday* next : If you cannot satisfie your self; although we tell you our authority, our authority will satisfie our selves; And it is according to the authority of God and the Kingdome, and the peace (of which you speak) shall be preserved in the administration of Justice, and that is our present work.

*King.*



*King.* I give you this for my answer, you have not shewn me any lawfull authority, which may satisfie any reasonable man.

*L. President.* It is onely your apprehension, we are fully satisfied who are your Judges.

*King.* It is not my apprehension, nor yours which ought to determine this.

*L. President.* The Court hath heard you, and disposed of you accordingly as their discretions have thought expedient.

The Court adjourneth to the Painted chamber, untill Munday at ten of the clock in the morning, and from thence hither.

*Some thing that was ominous, ought not to be passed by in silence, when the Charge was read against the King, the silver head of his staff did fall off, which he much did wonder at, and observing no man so officious*

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*officious to assist him, he stooping towards the ground did take it up himself.*

As the King returned, looking on the Court, he said, *I fear not thee*, meaning the sword. As he came down the stayres, the people who were in the Hall, cryed out some of them, *God save the King*; but the greater part *justice, Justice.*

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*The second dayes proceeding against the King, January 22. &c.*

**T**He Cryer having thrice pronounced his Oyes, and silence cōmanded, after that the Judges were called, and every one did particularly answer to his Name. Silence was again commanded, under pain of imprisonment, and the Captain of the Guards was ordered

ordered to apprehend any that should endeavour to make a tumult.

At the comming of the King into the Court, there was a great shout, and the Court commanded the Captain of the Guards to apprehend and imprison those, who should make either a noise or tumult.

The Court being sat, the Solicitor turning to the President said, May it please your Lordship my Lord President. In the former Court, on Saturday, in the Name of the Commons of *England*, I exhibited and offered to this Tribunal the charge of high Treasons, and other grievous crimes against the Prisoner, with which I did charge him, In the Name of the People of *England*, and his charge was read, and his Answer demanded. My Lord, It pleased him at  
that



that time to return no answer at all, but instead of answering, he questioned the Authority of the High Court : My most humble motion to this High Court in the Name of the People of the Kingdome of *England*, is that the Prisoner may be compelled to give a positive answer, either by way of Confession or Negation, which if he shall refuse, that the subject of his Charge may be taken for granted, and the Court proceed according to Justice.

L. President. Sir, you may remember, that on the last convention of this Court, the cause was expounded to you, for which you were brought hither, and you heard the charge against you read, it being a charge of High Treason, and other grievous crimes against the Kingdom of *England*: you heard likewise, that it was re-

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quired in the name of the people, that you should answer to your charge, that there should be a proceeding thereon, as should be agreeable unto Justice: you were then pleased to move some scruples concerning the authority of this Court, and you desired to be satisfied in your knowledge, by what authority you were brought hither: you severall times did propound your questions, and it was often answered to you, that it was by authority of the commons of *England* Assembled in Parliament, who did judge it requisite to call you to an account, for the great and grievous crimes of which you are accused. After that the Court did take into their serious consideration, those things which you objected, and they are fully satisfied in their authoritie; and do conceive it requisite, that  
you

you should admit it; they therefore require that you give a positive and a particular Answer to the charge exhibited against you: they do expect that you should either confesse it or deny it. If you shall deny it, it will be proved in the behalf of the Kingdome, the whole World doth approve of their Authority. So that the kingdome is satisfied, and you ought thereby to be satisfied your self; you ought not therefore to waste time, but to give your positive answer.

*King.* It is true, that when I was last here, I moved that question; and indeed, if it were onely my businesse in particular, I should have satisfied my self with that protestation, which I then interposed against the lawfulnessse of this Court; and that a King cannot be judged by any superiour  
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jurisdiction on earth, but my own interests are not onely involved in it, but the liberties also of the people of *England*; and pretend what you will, I doe indeavour more for their liberties, then any whatsoever. For if Power without laws, can make laws and change the Fundamentall laws of the Kingdome, I know not what subject in *England* can be secure of his life, or of any thing which he doth call his own: Wherefore when I came hither, I expected particular reasons, that I might understand by what law, and what Authority you would proceed against me. I should then perceive what most especially I have to say unto you, for the affirmative is to be proved, which seldome the Negative is capable of; but because I cannot perswade you thus, I will give you my  
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Reasons as briefly as I can.

The Reasons for which in conscience and duty which I ow, first unto God, and afterwards to my people, for the preservation of their lives, their liberties, and their fortunes: I believe I cannot answer until I am satisfied of your legality of it.

All proceedings against any man whatsoever —

*President.* Sir, I must interrupt you, which I would not do, but that which you do, agreeth not with the proceedings of any Tribunal of Justice, you enter into a controversie, and dispute against the Authority of this Court, before which you appear a prisoner, and are accused as a great Delinquent. If you will take upon you to controvert the Authority of this Court, we cannot give way unto it; neither will any tribunall

nal of Justice admit it; you ought to submit unto the Court, and to give an exact and direct Answer, whether you will answer to your charge or not? and what is the answer that you make.

*King.* Sir I know not the formalities of the law, I know the law & reason; & although I am no professed Lawyer, I know the law as well as any Gentleman in *England*, and I am more eager for the Liberties of the people of *England* then you are? and if I should believe any man, without he gives me Reasons for what he saith, It would be absurd; but I say unto you, that the Reason which you give is no wayes satisfactory.

*L. President.* Sir I must interrupt you, for it cannot be permitted to you in this manner to proceed: you speak of law and reason, it is fit that there should be



be both law and reason, and they are both against you. Sir the Vote of the **Commons of England** Assembled in Parliament, is the reason of the Kingdome, and they ordained this law according to which you ought to Reign. Sir, It is not lawfull for you to dispute against our Authority. This again hath been told you by the Court. Sir, Notice will be taken that you contemn the Court, and this contempt of yours will be recorded.

*King.* I know not how a King can be interpreted to be a Delinquent, but by any law that I ever heard, all men, whether Delinquent or what you will, may lawfully make objections against their Processe; this is that which I require, and I again desire that my Reasons may be heard. If you deny this, you deny Reason.

*L. President.* Sir, you have objected

jected something to the Court ; I will declare unto you their opinion. Sir, It is not lawfull for you or any man else to dispute against this Subject ; It is Decreed, you ought not to dispute against the jurisdiction of this Tribunal ; If you shall yet do it, I must intimate unto you, that they are above objections. They sit here by Authority of the Commons of *England*; and all your Predecessors and you your self are bound to be accountable to them.

*King.* I deny that, shew me one example?

*L. President.* Sir, you ought not to interrupt, but attend whilst the Court speaks unto you. This Subject is not to be disputed by you, neither will the Court permit that you should object against the jurisdiction of it, they have considered of their jurisdiction, and do approve it.

*King.*

*King.* Sir, I say, that the Commons of *England* were never a Court of Judicature; and I would fain know, how they came to be made so now?

*President.* Sir, It is not permitted to you to proceed in those discourses.

Then the Secretary of the Court did read, as followeth.

*Charls Stuart, King of England, you have been accused in the Name of the People of England of High Treason, and other grievous Crimes. The Court hath determined that you shall answer to your Charge.*

*King.* I will answer, as soon as ever I shall understand, by what authority you do these things?

*President.* If this be all that you will speak: Gentlemen, you who brought the prisoner hither, take him back again.

*King.* I demand, that I may be  
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permitted to exhibite my Reasons, why I answer not unto the Charge, and give me time to perform this.

*President.* Sir, It is not for prisoners to demand.

*King.* Prisoners, Sir! I am no ordinary prisoner.

*President.* The Court hath considered of their own jurisdiction, and they have also confirmed their jurisdiction: If you will not answer, we will give order that your Default be recorded.

*King.* You have not yet heard my Reasons.

*President.* Your Reasons are not to be heard against the Supreme Jurisdiction.

*King.* Shew me that jurisdiction in the world, where Reason is not to be heard.

*President.* Sir, We shew it you here, the Commons of England, and

& the next time you are brought hither, you shall understand further of the pleasure of the Court, and peradventure their finall sentence.

*King.* Shew me, where the House of Commons was ever a Court of Judicature in that kind.

*President.* Serjeant, take away the Prisoner.

*King.* Sir, Remember that the King is not suffered to declare his Reasons, for the Libertie and Immunities of his Subjects.

*President.* Sir, That Freedome of Speech is not permitted to you, how great a friend you have been to the Laws, and the Liberties of the people; let *England* and all the world judge?

*King.* Sir, By your leave, I have alwayes loved the Liberty, the Immunities, and Laws of the subjects; If I have defended my self

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by Arms, I have not taken them up against the people, but for them.

*President.* You must obey the Decree of the Court, you give no answer to the Charge against you.

*King.* Well Sir!

*And so was he brought to the House of Sir Robert Cotton; and the Court was adjourned to the Painted Chamber, untill Wednesday following at twelve of the clock, at what houre they intended to adjourn again to Westminster-hall, where all whom it doth concern are commanded to be present.*

*The*



*The third dayes proceedings against  
the late King at the High Court of  
Justice Tuesday Jan. 23. 1648.*

**T**He Cryer according to the  
Custome, having with his O-  
yes commanded silence and atten-  
tion; the King being fate, Mr.  
Attorney Generall turning to the  
Lord President spake in these  
words,

May it please your Lordship:  
This is now the third time that  
by the great grace and favour of  
this High Court, the prisoner hath  
been brought to the Bar, and yet  
by reason of his refusall to put in  
his Answer, there is yet no issue  
joyned in the cause. My Lord, I  
did at the first exhibit a Charge a-  
gainst him, containing the highest  
practices of Treason, that were  
ever wrought on the Theater of  
England. That a King of England,  
trusted

trusted to keep the Lawes of *England*, and who had taken an Oath so to do, and had tribute paid him for that end, should be guilty of so wicked a design, as to subvert our Laws, and introduce an arbitrary and tyrannicall Government, and set up his Standard of Warre against his Parliament and his people, and I did humbly pray in the behalf of the people of *England*, that he might speedily be required to make an answer to his charge.

But my Lord, instead of making an answer, he did then dispute the Authority of this Tribunal, and your Lordship being pleased to give him a further day to put in his answer, which was yesterday, I did move again that he might be required to put in a direct and positive answer to his charge, either by denying or confessing

feeling it, but he was then pleased to debate the Jurisdiction of the Court, although he was commanded to give a positive answer.

My Lord, by reason of this great delay of Justice, I shall humbly move for speedy judgement against him. I may presse your Lordship upon the known Rules of the Laws of the Land, that if a prisoner shall stand in contempt & not plead guilty or not guilty to the charge given against him, it by an implicate confession ought to be taken *pro confesso*, as I may instance in divers who have deserved more favor than the prisoner at the Bar hath done. But I shall presse upon the whole fact. The House of Commons, the Supream Authority of the Kingdome have declared, (my Lord) that it is notorious. The matter of the charge is true, and clear as chrystall, or



as the Sun that shineth at Noon day, in which my Lord President, if your Lordship and the Court be not satisfied, I have severall witnesses on the behalf of the people of *England* to produce, and therefore I do humbly pray, and not so much I, as the innocent blood that hath been shed, the cry whereof is great for Justice and Judgement, that speedy judgement may be pronounced against the prisoner at the Bar.

*President*, Sir, you have heard what hath been moved by Mr. *Sollicitor* on the behalf of the Kingdome against you. Sir, you may well remember, and if you do not, the Court cannot forget the delayes which you have made. You have been pleased to propound some Questions, and amply you have had your resolution on them, you have been often  
told

told that the Court did affirm their own Jurisdiction; and that it was not for you nor any other man to dispute the Jurisdiction of the highest Authority of *England*, from which there is no appeal, and touching which there must be no dispute; yet you did deport your self in that manner, that you gave no obedience, nor did acknowledge any Authority either in them, or the Supream Court of Parliament, that constituted this high Court of Justice. Sir, the Court gives you to understand that they are very sensible of these demurres, and that being thus authorised by the High Court of *England*, they ought not to be trifled withall, especially, seeing if they please, they may take advantage of these delayes, and according to the rules of Justice, proceed and pronounce

nounce Judgement against you. Neverthelesse they are so favourable as to give directions to me, and therefore on their behalf I do require you to make a positive answer to this charge, that hath been read against you. Justice knows no respect of persons. You are to give your positive and final Answer in plain English, whether guilty or not guilty, of the Treason laid to your charge.

The King having meditated a little, did answer in these words. When I was here yesterday, I desired to speak for the Liberties of the people of *England*: I desire yet to know, whether without interruption, I may speak freely, or not?

*President*, Sir, on the like Question, you had yesterday the resolution of this Court; you were told that having a charge of so high a nature



nature against you, your work was to acknowledge the Jurisdiction of the Court, & to answer the charge; after you have done that you shall be heard at large to make the defence you can for your self; but Sir the Court commands me to make known unto you, that you are not permitted to run into any other discourses, untill such time that you have returned a positive Answer to the matter that is charged upon you.

*King*, I value not the charge a rush: It is the Liberty of the people of *England* that I stand for. For me who am your King, and should be an example to all the Courts in *England*, to uphold Justice, and maintain the old Laws; for me I say, to acknowledge a new Court, that I never heard of before, is a thing that I know not how to do. You did

speak very well on the first day I  
 came hither, concerning the ob-  
 ligations that I have laid upon me  
 by God, for the maintenance of  
 the Liberties of my people. I do  
 acknowledge that I do ow the  
 same obligations to God and my  
 people, to defend as much as in  
 me lies, the ancient Laws of the  
 Kingdom: therefore untill I be sa-  
 tisfied that this is not against the  
 fundamentall Laws of the King-  
 dome, I can put in no particulars  
 to the Charge. If you will give  
 me time, I will shew you my Rea-  
 sons wherefore I cannot do it, and  
*Here being interrupted,* he said. By  
 your favour you ought not to in-  
 terrupt me. How I came here I  
 do not know. There is no Law  
 to make your King your prisoner.  
 I was in a Treay upon the pub-  
 lick faith of the Kingdome, that  
 was the known — two Houses  
 of

of Parliament, that was the Representative of the Kingdom, and when I had almost made an end of the Treaty; I was hurried away, and brought hither; and therefore I would —

*President.* Sir, you must know the pleasure of the Court.

*King.* By your favour Sir, —

*President.* Nay Sir, by your favour, you may not be permitted to run into these discourses, you appear here as a Delinquent, you have not acknowledged the Authority of the Court, the Court once more do I command you to give your positive Answer?

*M. Broughton,* Do your Duty.

*King.* Duty Sir.

*M. Broughton* reads, Charls Stuart, King of England, you are accused in the behalf of the Commons of England of divers high Crimes and Treasons; which Charge hath been  
read



*read unto you. The Court now requires you to give your positive and finall answer, either by way of confession, or by deniall of the Charge.*

*King.* Sir, I say again unto you, If therby I may give satisfaction to the people of *England* of the uprightness of my proceedings, not by way of answer, but to satisfie them that I have done nothing against that trust, that hath been committed to me, I would do it; but to acknowledge a new Court, against their priviledges, to alter the Fundamentall Laws of the Kingdome; you must excuse me, if I shall refuse to do it.

*President.* Sir, This is the third time, that you have publicquely disowned this Court, and put an affront upon it. How far you have preserved the priviledges of the People, your actions have spoke: And truly sir, If mens intentions  
can

can be known by their actions, you have written your intentions in bloody Characters throughout the whole Kingdome : But Sir, you are to understand the pleasure of the Court——Clerk, Record the Default——. And Gentlemen, you that are a guard to the Prisoner, take him back again.

*King.* I will onely adde this one word, If it were onely my own particular, I would not say any more, nor interrupt you at all.

*President.* Sir, you have heard the pleasure of the Court, and notwithstanding you will not understand it : you are to finde that you are before a Court of Justice.

The King going forth Proclamation was made, that all persons who then appeared ; and had further to do with the Court, might depart into the Painted Chamber,  
to

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to which place, the Court adjourned, being resolved to meet again in *Westminster-Hall*, by ten of the Clock, the next morning.

Wednesday January 24.

The Court being this day imployed upon Examinations of Witnesses, and other things, in order to their next proceedings, did appoint one of their *Ushers* to give notice to the people there assembled to appear on further summons.

The



*The last proceedings against the King  
wherein they pronounced Sentence  
upon him, on Saturday, Jan. 27.  
1648.*

**S**ilence being commanded by  
the Cryer, the Court was cal-  
led, and Serjeant *Bradshaw* the  
Lord President, was that day in  
a scarlet Gown. There were pre-  
sent that day, sixty and eight  
Members of the Court.

The King, turning to the Lord  
*President*, said; I shall desire to be  
heard some few words, and I hope  
I shall give no occasion of Inter-  
ruption.

*President.* You may answer in  
due time, hear the Court first.

*King.* If it please you Sir, I de-  
fire to be heard; and I shall not  
give any occasion of interruption,  
and it is onely in a word. A sud-  
den Judgment— g      Pre-

*President.* Sir, you shall be heard (as I have told you) in due time, but you must hear the Court first.

*King.* What I am to speak will be in order, as I conceive, to what I believe the Court will say, and therefore sir, I desire to be heard, A hasty judgement is not so soon recalled.

*President.* Sir, you shall be heard before Judgment be given, and in the mean time, you ought to forbear.

*King.* Well Sir, I shall be heard before the Judgment be given.

*President.* Gentlemen, It is well known to all, or the greatest part of you here present, that the prisoner at the Bar hath been severall times convented, and brought before this Court, to make answer to a charge of Treason, and other high crimes, exhibited against him, in the Name of the People  
of

of *England*, to which charge being oftentimes commanded to Answer; he hath been so far from submitting to the Court, as he hath undertook to object again, and dispute the Authority of this Court, and of the High Court of parliament, who constituted this Court to Try and Judge him; but being over-ruled in that, & commanded to make answer; he was still pleased to persevere in his contumacy, and refused to submit to answer; whereupon the Court that they may not be wanting to themselves, and to the trust reposed in them; nor that any mans wilfulnesse shall prevent the course of Justice; have considered of the contempt, and of that consequence which in law doth arise on that contempt. They have likewise considered of the notoriousnesse of the Fact



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charged upon the prisoner, and upon the whole matter are resolved, and have agreed upon a Sentence to be now pronounced against him, but in regard he hath desired to be heard before Sentence beread and pronounced, the Court is resolved to hear him: yet Sir, thus much I must tell you before hand, of which also you have been minded at the other Courts, that if what you are to propose shall tend to dispute the jurisdiction of the Court, you are not to be heard therein: you have offered it formerly, and you have indeed struck at the root, which is the power and supream Authority of the Commons of *England*, of which this Court will admit no debate; and indeed it would be an unreasonable thing in them so to do, being a Court which doth act upon that Authority, which they

they have received from them; they will not presume to judge upon their Superiours, from whom there is no appeal. But Sir, If you have any thing to say in defence of your self, concerning the matter with which you are charged; the Court hath given me command to let you know, they will hear you. \*

*King.* Since I perceive, you will not heare any thing of Debate concerning that which I confesse, I thought most materiall for the peace of the Kingdome, and the Liberty of the Subject; I shall wave it, and speak nothing of it, onely I must tell you, that these many dayes all things have been taken from me, but that which I call more deer unto me, than my life, which is my Conscience and my Honour; and if I had respect to my life more than to the peace  
of

of the kingdome & the liberty of the Subject; I should certainly have made a particular defence for my self, for by that at least I might have deferred an ugly Sentence, which I expect to passe upon me. Therefore undoubtedly; Sir, as a man that hath some understanding, some knowledge of the world if that my true zeal to my Country, had not over born the care of my own preservation, I should have gone another way to work then now I have done. Now, Sir, I conceive that a hasty Sentence once passed may sooner be repented then revoked; and truly the same fervent desire I have for the peace of the Kingdome, and the liberty of the Subject, more then my own particulars, doth make me now at last move that, having somthing to say concerning both, I may be heard before my Sentence



tence be pronounced, before the Lords and Commons in the Painted Chamber. This delay cannot be prejudiciall to you whatsoever I shall utter. If I speak not reason those that hear me, must be my Judges; but if it be Reason, and really for the welfare of the Kingdome, and the Liberty of the Subject; I am sure of it, it will be well worth the hearing. Therefore I conjure you, as you love that which you pretend (I hope it is reall) the Liberty of the Subject & the peace of the kingdom, that you will grant me the hearing before Sentence be past. I only desire this, that you will take this into your consideration. It may be you have not heard of it before hand. If you think well of it, I will retire, and you may think of it; but if I cannot get this liberty; I do here protest, that so  
fair

fair shews of liberty and peace are but pure shews and no otherwise, if in this you will not hear your King?

*President.* Sir, you have now spoken?

*King.* Yes, Sir.

*President.* And this which you have spoken, is but a further declining of the Jurisdiction of this Court, which is the thing wherein you were limited before.

*King.* Pray excuse me Sir, for my interruption, because you do mistake me. It is not a declining of it, you do judge me before you hear me speak; I say, I will not, I do not decline it; although I cannot acknowledge the jurisdiction of it. In this, give me leave, to say that though I would not, though I did not acknowledge it in this; yet I protest, this is not to decline it, since I say, If that which I shall pro-

propound be not for the peace of the Kingdome and the Liberty of the Subject, then the shame is mine. Now I desire that you will take this into your consideration; if you will, I will withdraw.

*resident.* Sir, This is not altogether new, that you have offered unto us, I say, it is not altogether new unto us, although it be the first time, that in person you have offered it to the Court. Sir, you say, you do not decline the jurisdiction of the Court.

*King.* Not in this that I have said.

*President.* I understand you well enough Sir, Neverthelesse, that which you have propounded seems to be contrary to what you have said, for the Court are ready to proceed to Sentence: It is not (as you say) that they will not hear their King: For they have  
h been



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been ready to hear you, they have patiently waited your pleasure for three Court dayes together to hear what you would answer to the peoples charge against you; to which you have not vouchsafed to give any answer at all. Sir: this doth tend to a further delay, and truly Sir, Such delays as these, neither may the kingdom nor Justice admit: You have had the advantage of three several dayes to have offered in this kinde, what you were pleased to have propounded to the Lords and Commons. This Court is founded upon the Authority of the Commons of *England*, in whom resteth the Suprem Jurisdiction: That which you now tender to the Court, is to be tryed by another jurisdiction, a co-ordinate jurisdiction, I know very well, how you have expressed your self, and that not without

stand-

standing, what you would propound to the Lords and Commons, yet nevertheless, you would proceed on here; I did hear you say so: but Sir, That which you would offer there, whatsoever it be, must needs be in delay of Justice here; so as if this Court be resolved and prepared for the Sentence, they are bound in justice not to grant that which you so much desire; but Sir, according to your desire, and because you shall know the full pleasure of the Court upon that, whilst you have moved, the Court shall withdraw for a time.

*King.* Shall I withdraw?

*President.* Sir, you shall know the pleasure of the Court presently.

*The Court withdraws for half an hour into the Court of Wards. Serjeant at Arms, the Court gives com-*

*mand that the prisoner withdraw,  
and that about half an hour hence  
the prisoner be returned again.*

*The time being expired, the Court  
returned, and the Lord President  
commanded the Serjeant at Arms to  
send for his prisoner.*

*The King being come attended  
with his Guard, The Lord Presi-  
dent said unto him, Sir, you were  
pleased to make a motion here to  
the Court, concerning the desire  
you had to propound something  
to the Lords and Commons in the  
Painted Chamber, for the peace of  
the Kingdome. Sir, you did in ef-  
fect receive an Answer before the  
Court adjourned. Truly Sir, their  
adjournment and withdrawing  
was *pro forma tantum*, for it did  
not seem to them, that there was  
any difficulty in the thing; they  
have considered of what you mo-  
ved, and have considered of their  
own*



own Authority, which is grounded as it hath been often said, upon the supream Authority of the Commons of *England*, assembled in Parliament. The Court doth act according to their Commission. Sir, I have received an expresse Order from the Court, to acquaint you, that they have been too much delaied by you already, and that this which you have now offered, hath occasioned some little further delay; they are Judges appointed by the highest Judges, and Judges are no more to delay than they are to deny justice: they are good words in the old Charter of *England*, *Nulli negabimus, nulli vendemus, nulli deferremus justitium*; There must be no delay, but Sir, the Truth is, and so every man here observes it. That you have much delayed them by your contempt and default; for which  
they

they might long since have proceeded to judgment against you ; therefore notwithstanding, what you have offered , they are resolved to proceed to punishment & to judgment ; and this is their unanimous resolution.

*King.* Sir, I see it is in vain for me to dispute, I am no Sceptick to doubt, or to deny the power that you have : I do know that you have power enough. Sir, I confesse, I do believe it would have been advantagious to the peace of the Kingdome, if you would have been pleased to take the pains to show the lawfulnessse of your power. As for this delay, which I have desired, I do confesse, it is a delay, but it is a delay that is important for the peace of the Kingdom : It is not my person, that I look on alone : It is the welfare of the Kingdome, the peace of the  
King-

kingdome. It is an old saying, that we should think on long, but perform great matters suddainly. Therefore, Sir, I do say again, I do put at your doores, all the inconveniencies of a hasty Sentence. I have been here now a full week, this day eight daies, was the day in which I made in this place, my first appearance; The short respite but of a day or two longer, may give peace unto the Nation; whereas an hasty judgement may bring such a perpetual trouble & inconvenience upon it, that is, the childe unborn may repent it. And therefore once more, out of the duty I ow to God, and to my Country, I do desire that I may be heard by the Lords and Commons in the painted Chamber, or any other place that you will appoint me.

*President.* Sir, you have been  
al-



already answered to what you have moved, it being the same motion which you made before, for which you have had the resolution and the judgment of the Court in it; and the Court would now be satisfied from you, whether you have any more to say for your self than you have yet said, before they proceed to Sentence?

*King.* I say this Sir, that if you will but hear me, and give me this delay, I doubt not, but I shall give some satisfaction to all that are present, and to my people that are absent; and therefore I require you, as you will answer it at the dreadfull day of judgement, that you will, once again take it into your consideration.

*President.* Sir, I have received Instructions from the Court.

*King.* Well Sir,

*President.* If this must be reinforced,

forced, or any thing of this nature, your answer must be the same, as it was before, and they will proceed to Sentence if you have no more to say?

*King.* Sir, I have nothing more to say, onely I desire that this may be entered what I have said.

*President.* The Court Sir, then hath something else to say to you, which although I know will be very unwelcome; yet notwithstanding, they are resolved to discharge their duty.

Sir, you have spoken very well of a pretious thing, that you call a peace; and it were much to be wished that God had put it into your hart, that you had as effectually endeavoured, and studied the peace of the kingdom, as in words you seem to pretend; but as the other day, it was represented to you, that actions must expound in-

tentions : Your actions have been clean contrary , and truly sir, it doth appear very plainly to the Court, that you have gone upon very erroneous principles. The kingdome hath felt it to their smart, and it will be no comfort to you, to think of it; for sir, you have been heard to let fall such language, as if you had not been subject to the law, or that the law had not been your superiour. The Court is very sensible of it : I hope, so are all the understanding people of *England*. That the law is your superiour : you ought to have ruled according to the law, you ought to have done so, and your pretence hath been, that you have done so : But sir, the question is, who shall be the expositors of the law, whether you and your party out of the Courts of Justice shall take upon you to expound  
the



the law? Or whither the Courts of Justice shall be the expounders themselves? nay this sovereign and high Court of Justice, the Parliament of *England*, who may be well be obliged to be the highest expounders of the law, since they are the sole makers of it. Sir, for you to set your self with your single judgment, or for those who adhear unto you, to set themselves against the highest Court of Justice, there is no law for it? Sir, as the law is your superior, so truly, there is something that is superiour to the law, which is the Parent or Author of the law, and that is the people of *England*: For as they are those who at first (as other countries have done) did chose unto themselves this form of Government, that justice might be administred and the peace preserved: so they gave laws unto

their Governours, according to which they were to govern; and if those laws should have proved inconvenient or prejudiciall to the publick, they had a power in them reserved to themselves to alter, as they should finde cause.

It is very true, what some of your side have alledged; *Rex non habet parem in regno*. This Court will affirm the same in some sense, that whilest King, you have not your peer; for you are *major singulis*, but they will aver again, that you are *minor universis*; and the same Author tells you that *in exhibitione juris*, you have no power, but they are *quasi minimus*.

This we know to be law, *Rex habet superiorem Deum & legem, etiam & Curiam*, and so sayes the same Author; and he makes bold to proceed further; *Debent ei fra-*  
*nnum*

~~num~~ *ponere*, they ought to bridle him. We know very well the stories of old: we cannot be ignorant of those wars that were called the Barons wars, when the Nobility of the land did stand out for the liberty and the propriety of the subject, and would not suffer the Kings that did invade their liberties to play the tyrants, but did call them to an account for it, and did *frænum ponere*. But sir, If the Nobility of the land, do forbear to do their duty now, and are not so mindfull of their own honour and the kingdoms good, as the Barons of *England* of old have been; certainly, the Commons of *England* will not be unmindfull of what is requisite for their preservation and their safety. *Iustitiæ fruendi causa Reges constituti sunt*. By this we learn that the end of having Kings or  
Gover-



Governours, is for their enjoying of justice, that is the end. Now sir, If the King will go contrary to that end, or if any governour will go contrary to the end of his government, he must understand, that he is but an Officer in trust, and that he ought to discharge that trust, and order is to be taken for the animadversion and punishment of such an offending Governour.

Sir, This is not a law of yesterday (since the time of the division betwixt you and the Parliament) but it is a law of old; And we know very well both the Authors and the Authorities that acquaint us what the law was in that point on the election of Kings, when they took their Oath to be true unto the people; and if they did not observe it, there were those remedies instituted which are called

led Parliaments. The Parliaments were they that were to ad-  
judge (the very words of the Au-  
thors, the plainenesse and wrongs  
done by the King and Queen, or  
by their children; such wrongs e-  
specially when the people could  
have no where else a remedy. Sir,  
this is the Case of the people of  
*England*, they could not have their  
remedy else where but in Parlia-  
ment.

Sir, Parliaments were instituted  
for that intent, it was their main  
end, that the grievances of the  
people might be redressed, and  
truly, if the Kings of *England* had  
been rightly mindfull of them-  
selves, they were never more in  
Majesty or State, than in the time  
of the Parliament: but how for-  
getfull some have been, Histories  
have informed us; and we our  
selves have a miserable, a lamen-  
table

table, and a sad experience of it.

Sir, by the old Laws of *England* (I speak these things the rather to you, because you were pleased to affirm the other day, that you thought you had as much knowledge in the law as most Gentlemen of *England*. It is very well, Sir; and truly sir, it is very fit for the Gentlemen of *England* to understand the laws, under which they must live, and by which they must be governed; And then Sir, the scripture saies, they that know their Masters will and do it not; you know what follows, the law is your Master, the acts of Parliament) the Parliaments were anciently to be kept twice in the year, as we finde in our old Author, that the Subject upon any occasion might have a remedy and a redresse for his grievance. Afterwards by several acts of parliament



liament in the dayes of your Predecessor *Edward* the third; they were to be but once a year. What the Intermission of parliaments in your times hath produced, is very well known, and the sad consequences of it; as also what in the interim instead of parliaments, there hath been by you, by a high and arbitrary hand introduced upon the people. But when God by his providence had so farre brought it about, that you could no longer decline the calling of a parliament, a parliament was called, where it may appear what your ends were against your antient and native Kingdom of *Scotland*, but this parliament of *England* not serving your turn against them, you were pleased to dissolve it. Not long after, another great necessity occasioned the calling of this parliament, and what your

Designs and Indeavours all along have been for the crushing and confounding of it, hath been most notorious to the whol kingdom. And truly Sir, in that you did strike at all, It had been a sure way to have brought about that which this *Charge* doth lay upon you; your intention to subvert the fundamental laws of the land, for the great Bulwarks of the peoples liberty, is the parliament of *England*, and to subvert and root up that, which your aim hath been to do, would certainly at one blow, have confounded the liberties and the properties of *England*.

Truly Sir, It makes me to call to minde ( I cannot forbear to expresse it ) for sir, we must deale plainly with you according to the merits of your Cause, for so is our Commission, It makes me, I say, to call to mind what I have read of a  
great

great Roman Emperor, a great Roman Tyrant, I may call him, *Caligula* by name, who wished that the people of *Rome* had but one neck, that at one blow he might cut it off: Your proceedings have been something like to this, the people of *England* have been and are no where else to be represented but in parliament; and could you have but confounded that, you had at one blow cut off the neck of *England*: But God hath reserved better things for us, and hath been pleased to break your forces and to overthrow your designs, and to bring your person into custody, that you might be answerable unto justice.

Sir, we know very well, that it is a question which hath been much pressed by your side, *By what presidents we shall proceed.* Truly sir, for presidents, I shall  
not



not at this present make any long discourse on that subject; howsoever, I shall acquaint them that it is no new thing to cite presidents all most out of all Nations, where the people (when power hath been in their hands) have not sticke to call their Kings to an account, and where a change of Government hath ensued upon the occasion of the Tyranny and misgovernment of those that have been placed over the people. I will not waste time, to mention *France* or *Spain*, or the Empire of *Germany*, or any other country; Volumnes may be written of it: But truly sir, that president of the kingdom of *Arragon* hath by some of us been thought upon. The justice of *Arragon*, is as a man *tanquam in medio positus*, it is placed between the people of that country and the king of *Spain*; so that  
if

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if wrong be done by the King of *Arragon*, the justice of *Arragon* hath power to reform that wrong and he is acknowledged, the Kings superiour; and bring the grand prisoner of the priviledges, and liberties of the people; he hath prosecuted against the Kings for their misgovernment.

Sir, What the Tribunes were heretofore to *Rome*, and what the *Ephori* were to the State of *Lacedemon*, we sufficiently know, they were as the parliament of *England* to the English State: and though *Rome* seemed to have lost her liberty when once the Emperours were constituted; yet you shall finde some exemplar Acts of justice even done by the Senate of *Rome*, on the great Tyrant of his time *Nero*, who was by them condemned and adjudged unto death. But why Sir, should I make  
men-

mention of these Forreign Histories and Examples unto you. If we shall look but over the *Tweede*, we shall finde examples enough in your native Kingdome of *Scotland*. If we look on your first king *Forghusius*, he was an elective King, he died and left two sons, both in their minority : The elder brother afterwards giving small hopes to the people, that he would govern them well ; so because he endeavoured to have supplant his Uncle, who was chosen by the people, to govern them in his minority ; he was rejected by the people for it, and the younger brother was chosen, &c.

Sir, I will not take upon me to expresse what your Histories do at large declare ; you know very well that you are the hundred and nineth King of *Scotland* ; to mention all the Kings, which the people



ple of that kingdome, according to their power and priviledge, have made bold to deale withall, either to banish, imprison, or put to death, would be too long a story for this time and place. *Reges* (say your own Authors) we created Kings, at first, *Leges, &c.* we imposed Laws upon them, and as they were chosen by the Suffrages of the people at the first, so upon the same occasion, by the same Suffrages they may be taken down again; and of this, I may be bold to say, that no Kingdome in the world hath yielded a more plentifull experience, than your native Kingdome of *Scotland*, on the deposition and the punishment of their transgressing Kings.

I need not go far for an Example, your Grandmother was set aside, and your father an Infant crownd'

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crown'd. This State hath done the like in *England*. The Parliament and people of *England*, have made bold to call their King to an account therein, frequent Examples of it in the *Saxons* time, the time before the Conquest, and since the Conquest, there have not wanted some presidents: King *Edward* the second, King *Richard* the second, were so dealt with by the Parliament, and were both deposed, and deprived, and truly Sir, whosoever shall look into their stories, shall not find the Articles that are charged upon them to come near to the height, and the Capitalnesse of the crimes that are laid to your charge, nothing near.

Sir, you were pleased the other day to alledge your Descent, and I did not contradict it, but take all together, if you go higher than  
the

the Conquest, you shall find that for almost a thousand years these things have been, and if you come down since the Conquest, you are the four and twentieth King from *William* called the Conquerour, and you shall find one half of them to come meerely from the State, and not meerely upon the point of Descent. This were easie to be instanced. The time must not be lost that way. I shall onely represent what a grave and learned Judge said in his time, who was well known unto you, the words are since printed for posterity: That although there were such a thing as a Descent many times, yet the Kings of *England* ever held the greatest assurance of their Titles, when it was declared by Parliament. And Sir, your Oath, and the manner of your Coronation, doth  
 I plain-



planly shew, that the Kings of *England*, although its true by the Law, the next person in bloud is designed, yet if there were a just cause to refuse him, the people of *England* might do it. For there is a Contract and a bargain made betwixt the King and his people, and your Oath is taken, and certainly Sir, the Bond is reciprocally, for as you are Liege Lord, so are they Liege Subjects, and we know very well that *Legantis est duplex*, the one is a Bond of perfection, that is due from the Sovereign, the other is a Bond of subjection which is due from the Subject, for if this Bond be once broken, farewell Sovereignty, *Subiectio trahit*, &c.

These things may not be denied, for I speak it the rather (and I pray God it may work upon your heart) that you may be sensible

sible of your miscarriages, for whether you have been as you ought to be, a Protector of *England*, or a destroyer of *England*, let all *England* judge, or all the world that hath beheld it; and though Sir, you have it by inheritance, in the way that is spoken of, yet it cannot be denyed, but your Office is an Office of Trust, and indeed an Office of the highest Trust that can be lodged in any single person. For as you were the grand Administrator of Justice, and others were but as your delegates, to see it executed through your Dominions. If your great Office were to do Justice, & preserve your people from wrong, it instead of executing Justice, you will be the grand and public disturber of the peace, surely this is contrary to your Office and your Trust. Now Sir, if it

be an office of inheritance (as you speak of your Title by descent) let all men understand, that great Offices are seizable, and forfeitable, as if you had it but for a year, or for your life. It will therefore much concern you to take into your serious consideration, your great miscarriages in this nature.

Truly Sir, I shall not in this place undertake to give you the particulars of the many miscarriages of your Reign, whatsoever they have been, they are notoriously known. It had been happy for the Kingdome, and for your self also, if they had not been so much known, and so much felt, as they are every where complained on, and reported.

Sir, that we are now upon by the command of the highest Court, hath been and is to bring  
you



you to your Triall, and to judge you for these great offences of yours: Sir, the Charge hath called you Tyrant, a Traytor, a murderer, and a publick enemy to the Common wealth; Sir, it had been well, if these terms might rightly and justly have been omitted; nay, if any one of them all.

*King, Ha!*

*President,* Truly, we have been told, *Rex est, qui bene regit, Tyrannus qui populum opprimit*, and if that be the definition of a Tyrant, then see if you come short of it in your Actions, and whether not the highest Tyrant by that way of arbitrary Government, which you sought to introduce, and were putting upon the people. Examine with your self, if that were not as high an act of Tyranny, as any of your predecessors

cessours were guilty of, yea many degrees beyond it.

Sir, the Term Traytor cannot be spared, we shall easily conclude that it doth enforce and denote a breach of Trust, and it must be supposed to be done by a superior, and therefore as the people of *England*, might have incurred that term, if they had been truly guilty of it, as to the definition of the Law; so on the other side when you did break your Trust to the Kingdome, you did break your Trust to your superior; For the Kingdome is that for which you were trusted; And therefore when you are called to an account for this breach of trust, you are called to account by your superior. *Minimus Majorem in judicium vocat*: And sir the people of *England* cannot be so wanting to themselves, (whom God  
hath

hath dealt so miraculously and gloriously for ) they having both power and their great enemy in their hand, but they must proceed to Justice to themselves and to you; For Sir, the Court could heartily desire that you would lay your hand upon your heart, and consider, what you have done amisse, and that you would endeavour to make your peace with God. Truly Sir, These are too high Crimes, Tyranny and Treason. There is a third, if those two had not been, and that is murther, which is laid to your charge also. All the bloody murders that have been committed since the Division betwixt you and your people, must be laid to your charge. Sir, It is a hainous and a crying sinne, and truly Sir, If any man will ask us what punishment is due unto a murtherer, let Gods law, let mans law



speak. I will presume you are so  
 well read in the holy Scripture as  
 that you know what God himself  
 hath said concerning the shed-  
 ding of mans blood, *Gen. 9. and*  
*Numb. 35.* will tell you what the  
 punishment is, and this Court in  
 the behalf of the Kingdom are sen-  
 sible of that innocent blood, that  
 hath been shed, & the land indeed  
 stands still defiled with that blood  
 and as the Text hath it; *It can*  
*no way be cleansed, but by the shed-*  
*ding of the blood of him who shed*  
*that blood.* Sir, We know no dis-  
 pensation from this blood in the  
 Commandement, *Thou shalt do no*  
*Murther,* we do not know but that  
 it extends to Kings as well as to  
 the meanest peasants, the meanest  
 of the people, the Command is u-  
 niversall. Sir, Gods law forbids it,  
 mans law forbids it; nor do we  
 know that there is any manner of  
 excep-

execution, not even in mans laws, for the punishment of Murther in you. Tis true, that in the Case of Kings, every private hand, is not to put forth its self to this work, for their reformation or punishment; but the people represented having power in their hands (were there but one willfull Act of murder by you committed) have power to convent you, and to punish you for it.

The weight Sir, then lying upon you in all these respects, that have been spoken, for your Tyranny, Treason, Breach of Trust, and the murders that have been committed, surely it should drive you into a sad consideration concerning your eternall estate. I know it cannot be acceptable to you, to hear any such things as these mentioned from this Court, for so do we call our selves, and

m.                      justify

justifie our selves to be a Court, and a High Court of Justice, authorized by the highest and solemnest Court of the Kingdome, as hath been often already said. And although you have indeavored, what lay in you to discourte us; yet we do take knowledge of our selves to be such a Court, as can administer justice to you, as we are bound in duty to it.

Sir, All I shall say, before the reading of the Sentence, is but this. The Court doth heartily desire, that you will seriously consider of those Evils, that you stand guilty of. You said well the other day, you wished us to have God before our eyes. Truly Sir, I hope all of us have so, that God whom we acknowledge to be King of Kings and Lord of Lords, that God with whom there is no respect of persons; that God who  
is



is the avenger of Innocent blood; that God have we before our eyes, that God who bestows a Curse upon them, who in the case of guilty malefactors that deserve death, do withhold their hands from shedding of blood: Sir, That God we have before our eyes, and were it not that the Conscience of our duty hath called us into this place and this imployment, you should have had no appearance of a Court here. But sir, we must preferre our respect unto God and to the Kingdome, above any respect whatsoever; and although at this present, many of us, if not all of us are severely threatned by some of your party, what they intend to do; yet we do here declare, that we shall not decline or forbear the doing of our Duty in the administration of Justice, even to your self; and that according to

the merit of your offence; although God should permit those men to effect all their bloody designs in hand against us. Sir, we will say, and we will declare it as those Children in the fiery furnace, who refused to worship the Golden Image, that *Nebuchadonazar* had set up. That their God was able to deliver them from the danger they were neer unto; but if he did not deliver them, yet they would not fall down and worship the golden Image. We shall make this application of it. That though we should not be delivered from those bloody hands and hearts, who conspire the overthrow of the Kingdome in generall, and of our selves in particular, for being actors in this great work of Justice; though I say, we should perish in the work, yet by the grace & in the strength of

of God, we are resolved to go on with it. And those are the intire resolutions of us all.

Sir, I say, for your self, that we do heartily wish and desire that God would be pleased to give you a sense of your sins, that you may see wherein you have done amisse, and that you may cry unto him, that God would deliver you from blood guiltinesse. A good King, *David* by Name, was once guilty of that particular guilt; he was otherwise upright, saving in the matter of *Uriah*. Truly Sir, the History doth represent unto us, that he was a repentant King, and and he had died for his sinne, but that God was pleased to be indulgent to him, and to grant him his pardon, *Thou shalt not die* (saith the Prophet) *but the childe shall dye; Thou hast given cause to the Enemies of God to blaspheme.*

King.



*King.* I would onely desire to be heard, but one word, before you give sentence, and it is that (to satisfie the world when I am dead) you would but hear me concerning those great Imputations which you have laid unto my charge.

*President.* Sir, you must now give me leave to proceed, for I am not far from your Sentence, and your time is now past.

*King.* I shall desire you, that you will take these few words into your consideration; For whatsoever sentence you shall pronounce against me in respect of those heavy imputation, which I finde you have laid to my charge; yet Sir, It is most true that——

*President.* Sir, I must put you in mind, I must Sir, although at this time especially, I would not willingly interrupt you in any thing  
you

you have to say, which is proper for us to admit; but Sir, you have not owned us as a Court, and you look upon us, as a sort of people huddled together, and we know not what uncivill language we receive from your party.

*King.* I know nothing of that.

*President.* You disavow us as a Court, and therefore for you to addresse yourself to us, whom you do not acknowledge to be a Court for us (I say) to judge what you shall speak is not to be permitted; and the truth is all along from the very first, you have been pleased to disavow and disown us; The Court needed not to have heard you one word; for unlesse they be acknowledged a Court and engaged, it is not proper for you to speak.

Sir, We have given you too large an indulgence of time  
al-

already, and admitted so much delay, that we may not admit of any more. If it were proper for us, we should heare you very freely, not decline to hear the most that you could speak to the greatest advantage for your self, whether it were totally, or but in part excusing those great & hainous charges which are laid upon you. But I shall trouble you no longer, your sins are of so large a dimention, that if you do but seriously think of them, they will drive you into a sad consideration; and we wish that they may improve in you a sad and serious repentance. And it is the desire of the Court, that you may be so penitent for what you have done a misse, that God may at least, have mercy on your better part. As for the other, it is our part and duties, to doe that which the law prescribeth, we  
are



Whereas the Commons of Eng-  
land in Parliament, had appointed  
them an high Court of Justice for the  
n tryall

*tryall of Charls Stuart King of England, before whom he had been three times convented, and at the first time, a Charge of High Treason and other Crimes and Misdemeanors was read in the behalf of the Kingdome of England: which Charge followeth in these words:*

*This Charge being read (said the Clerk) Charls Stuart was required to give his answer, which he refused to do, but expressed these passages, and many more such as these are, in refusing to answer.*

*The Clerk (having repeated many passages, during the time of his triall, in which the King shewed an averfenesse to acknowledge the Court) did proceed to read the Sentence, which was in these words.*

*For all which Treasons and Crimes, this Court doth adjudge,  
That*

*That the said Charls Stuart as a Tyrant, Traytor, Murtherer, and a publick Enemy, shall be put to death, by severing his Head from his Body.*

This Sentence being read, the Lord President said; This Sentence now read and published, is the Act, Sentence, Judgement, and resolution of the whole Court.

Hereupon, the Court stood up, as assenting to what the President said.

*King.* Will you hear me one word Sir?

*President.* Sir, you are not to be heard after the Sentence.

*King.* No Sir.

*President.* No Sir, By your favour Sir, ——— Guard withdraw your Prisonner?

*King.* I may speak after the sentence ——— By your favour Sir, I may speak after Sentence ever. The Guard drawing to him, he



said unto them; by your favour hold: and turning to the President, he said; the Sentence Sir, — I say Sir, I do — but being not permitted to proceed, he said, I am not suffered to speak, expect what Justice other people will have.

*Cryer.* All manner of persons that have any thing else to do, are to depart at this time, and to give their attendance in the Painted Chamber, to which place this Court doth forthwith adjourn it self.

Then the Court arose, and the Kings guard did bring him to Sir *Robert Cottons* house, and he was afterwards conducted to Saint *Jameses*.

The names of those who were present at that High Court of Justice, when the Sentence of Death was pronounced against *Charls the first Monarck* of great *Brittain*.

<b>S</b> erjeant Bradshaw	Col. Berkstead.
President.	Col. Thomlinson.
John Lisle.	Mr. Blakston.
William Gray.	Mr. Millington.
Ol. Cromwell L.G.	Sir Gregory Norton.
Comissary Gen. Ireton.	Col. Harvey.
Sir Hardres Waller.	Col. Ven.
Colonel Harrison.	Mr. Scot.
Colonel Haley.	Alderman Andrews.
Colonel Pride.	Mr. Cawley.
Col. Ewer.	Mr. Burrel.
Lord Gray of Groby.	Col. Stapeley.
Sir John Danvers.	Col. Domnes.
S. Thomas Malleneret.	Mr. Norton.
Sir John Bouchier.	L.S. Hammon.
William Heavningham	Mr. Love.
Alderman Pennington	Mr. Potter.
Henry Martin.	Mr. Garland.
Col. Parefoy.	Sir William Constable.

Sir

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Col. Ludlow.	Col. Okey.
Col. Hutchinson.	Col. Hewsen.
Sir Miles Livesey.	L. Col. Goff.
Mr. Dixwell.	Cornelius Holland.
Colonel Fleetwood of Mr. Carew.	
Bucks.	John Joanes.
Mr. Main.	Miles Corbet.
Jacob Temple.	Mr. Allen.
Mr. Blagrove.	Peregrine Pelham.
Col. White.	Col. Moors.
Col. Titchburn.	Mr. Eldicer.
Col. Rolt.	Mr. Smith.
Col. Scroop.	Mr. Edwards.
Col. Lilburn.	Mr. Clement.
Col. Dean.	Col. Wogan, &c.

His

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(101)

*His Majesties Reasons.*

*Against the pretended  
Jurisdiction of the High Court of  
Justice, which he had intended*

*to have given there on Monday*

*Jan. 22. 1649.*

*Faithfully transcribed from the ori-  
ginall Copy of the King.*

**S**INCE I have already made my  
Protestation, not onely against  
the illegality of this pretended  
Court, but that no power on  
earth, can justly call me (who am  
your King) into question as a De-  
linquent. I would no longer have  
opened my mouth on this Argu-  
ment, but have referred my self  
to those things which I then  
spoke, if this onely concerned  
my own particular; But the du-  
ty which I ow to God, to preserve  
the true liberty of my people  
doth

doth not permit me at this time, I should be silent; for how can any free born Subject of *England* call his life or any thing he doth possess his own, if power without law can daily make new, and abrogate the old and Fundamental Laws of this Land, which I judge to be the present case? Wherefore when I was brought hither, I expected that you would have studied to satisfy me in these Fundamentalls which do hinder me from putting in my Answer to the pretended charge, but since I do observe, that nothing which I can alledge can perswade you to it (although negatives are not so naturally proved, as affirmatives) yet I have thought good to declare unto you the Reasons for which I am confident, you are not in a capacity to judge me, nor the vilest man in *England*, for without  
show-

showing my Reasons, I will not (as you) be so unreasonably importunate, as to exact either belief or obedience from my Subjects.

Here was I restrained, and not suffered to speak any more of Reasons, there is no just processe against any man, which deriveth not its authority, either from the Law of God, or from the municipall Laws of the Land.

Now I am most sure, that the  
Processe at this day made against  
me, cannot be confirmed by the  
law of God; for on the contrary  
the necessity of obedience is  
clearly confirmed, and streightly  
commanded in the old and new  
Testament; which if it be denyed,  
I am prepared presently to prove  
it; and as for the question now  
in agitation, it is said there, *Where  
the word of a King is, there is power,*  
and



and who can say unto him, what  
 doest thou? Eccles. 8. v. 4. Then  
 as to the laws of the land, I am  
 as confident that no learned law-  
 yer will affirm, that any charge  
 can be brought against the King,  
 since they all go forth under his  
 name, - and it is one of their axi-  
 oms, that the King can not do an  
 injury. Moreover the law on  
 which you do ground your pro-  
 cesse, is either old or new, if it be  
 old, shew that law unto me,  
 if it be new, tell me what Autho-  
 rity established by the Funda-  
 mentall laws of this land did give  
 it birth and when? but how the  
 House of Commons can erect a  
 Tribunall of Justice, which was  
 never one it self (as all lawyers  
 will confesse with me) I leave it  
 to God and to the world to  
 judge; and it will seem most  
 strange to any who ever have  
 heard

heard of the laws of *England*, how they can pretend to make laws without either the King, or the House of Peeres.

Nevertheless it be admitted, but not granted, that a commission from the people of *England*, is able to confirm your pretended power, yet I see nothing that you can shew for it for I am confident that you never asked that questio<sup>n</sup> of the 10<sup>th</sup> man in the kingdom; & in this method you do a most apparent injury, even to the poorest ploughman, if you ask not his consent, neither can you pretend any colour to this your pretended Commission, if you have not the concurring voyces of at least the greatest part of this Nation, of every degree and quality, which you are so far from obtaining, that I am confident you never so much as sought it.

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You see then, that I do not onely speak for my own Right, as I am your King, but also for the true liberty of all my subjects, which consisteth not in dividing the power of Government, but in living under such laws, and such a Government, as may grant them the best security of their lives, and the propriety of their goods. In this I ought not to be forgetfull, neither do I forget the priviledges of both Houses of parliament, which these proceedings do not onely violate, but give an occasion of the greatest breaking of the publick faith; and such (I believe) as the like was never heard of before, with which I will not at all, charge both Houses, for the pretended crimes which they impose upon me, are far before the Treaty at *Newport*, in which when I assented to, and did



did conclude as much as possibly lay in my power, and did justly expect the assent of both Houses, I was suddenly taken from thence and carried away as a prisoner, and against my will, I was hurried hither; and since I came to this court, I cannot with all my Indcavours, defend the ancient laws and liberties of this Kingdome, together with my just priviledges, and as much as I can possibly discern the upper House, which is the House of Lords, is totally excluded.

And as for the House of Commons, it is too much known, that the greater part of them are either imprisoned, or affrighted from sitting, so that if I had no other Cause, this was sufficient enough to make me to protest against the authority of your pretended tribunall. Besides all these things,  
the

the peace of the Kingdome, is not the least part of my cares, and what hope can there be of establishing it, as long as power reigneth without the Rule of the Law, changing the whole frame of the Government under which this Kingdome hath flourished these many ages; neither will I speak what is likely to follow, if these unlawfull proceedings shall yet continue against me; for I believe the Commons of *England*, will give you no thanks for this change, especially, when they shall call into their minds, how happily they heretofore have lived in the Reigns of Queen *Elizabeth*, and of the King my Father, and in my own Reign before the beginning of these unhappy tumults; and they will have a just cause to doubt, if they shall be so happy in any new Government.

In

In that time it will most evidently appear that I onely took up Arms to defend the Fundamentall Laws of this Kingdome against those who opposed my power, and totally would have subverted the ancient Government.

Having so briefly declared my Reasons to you, for which I could not submit to your pretended Authority, without violation of the Trust which God hath committed to me for the safety and liberty of my people. I expect from you either clearer Reasons to convince my Judgement, by demonstrating to me that I am in an Error, (and then surely, I shall be ready to give you an Answer) or else, that you suspend your present proceedings.

This I had determined to have spoken in *Westminster Hall* on  
*Monday*



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*Monday, the two and twentieth  
of January, but against Reason  
I was prohibited to pronounce  
my Reasons.*

*In the year 1648. English style.  
1649. vulgar style.*

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*The End.*

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(111)

*The Speech of King Charls upon  
the Scaffold at the gate of White  
Hall; immediately before the  
execution. January 30.*

**A**Bout ten in the morning,  
the King was brought  
from Saint Jameses Court, he did  
walk on foot through the Park,  
with a Regiment of Foot, one half  
before him, and the other behind  
him, their Colours flying, and  
their Drums beating, his private  
guard of Partisan with some of his  
Gentlemen did go immediately  
bare headed before him, and some  
part of them behind him; but  
those who were next of all unto  
him behinde, were Dr. Juxon and  
Colonel Thomlinson, to the last of  
whom the care and charge of his  
Person was committed, these two  
being barehead did talk with him  
all along the Park, and as you go

p

up

up the stairs into the Gallery, and so into the Cabanet chamber, where he used to lye, in which place, he continued at his Devotion and refused to dine, because he that morning had taken the Sacrament, onely about one hour before he came forth he drank a Glasse of Claret wine, and did eat a crust of bread about twelve of the clock at Noon.

From thence he was accompanied by Doctor *Juxon*, Col. *Thomlinson*, and other Officers formerly appointed to be his Guard, and with the private Guard of Partizans, with musquetiers on either side, through the banquetting house, at the farther end, on the outside whereof the Scaffold was erected, near unto the Gate of *White Hall*. The Scaffold was hung round with black, and the floore was covered with black, & the ax  
and



and the Block laid on the middle of the Scaffold. There were severall Companies of Foot, and Troops of Horse placed on the one side of the Scaffold, and the other, and multitudes of people that thronged to see so rare a spectacle were very great.

The King was no sooner come upon the Scaffold, but he looked very earnestly on the Elock, and asked Col. Hacker, if there were no higher, and then spake thus, directing his speech chiefly to Colonel Thomlinson.

*I shall be very little heard by any of the people, I shall therefore speak a word or two to you who are here. Indeed I could hold my peace very well, if I did not think that my silence would make some men think, that I did submit to the guilt, as well as to the punishment; but I conceive it is my duty, First unto*

God, and afterwards to my Coun-  
trei, to vindicate my self, as an ho-  
nest man, a good King, and a good  
Christian.

I shall begin first with my Inno-  
cency; Intiroth I think it not very  
needfull for me to insist long upon  
this, for all the world knows that I  
never did begin Warre with the two  
Houses of Parliament, and I call God  
to witnesse, to whom I must shortly  
make my account, that I never did  
intend to incroach upon their privi-  
ledges; they began with me, It was  
the Militia they began upon, they  
confessed that the Militia was mine,  
but they thought it fit to have it  
from me, and to be short if any man  
will look to the Dates of Commissi-  
on, of their Commissions or mine,  
and likewise to the Declarati-  
ons, will finde clearly, that they be-  
gan those unhappy troubles, not I; so  
that as for the guilt of these enor-

*mous crimes, which are laid upon me, I hope in God, that God will clear me of them.*

*I am in charity, I will not, and God forbid that I should lay it upon the two Houses of Parliament, there is no necessity of either; I hope they are free from the Guilt, for I do believe that evill instruments between them and me have been the chief cause of all this bloodshed, so that by way of speaking, as I find my self clear of this, I hope, and I pray God, that they may too; yet for all this, God forbid, that I should be so ill a Christian, as not to say that Gods judgements are just upon me. Many times he does inflict Justice by an unjust Sentence; this is ordinary; I will onely say, that an unjust Sentence, \* That I suffered to take effect, is punished now by an unjust Sentence upon my self. This is to shew you, (as I have said) how far I*

• The Earl of Strafford  
and



*am an innocent man.*

\* Pointing  
at Doctour  
Jaxon.

Now for to show you, that I am a good Christian, I hope there is a good man\*, who will bear witnesse with me, that I have forgiven all the world, and even those in particular, who have been the chief causes of my Death; who they are, God knows. I do not desire to know, I pray God forgive them: But this is not all, my Charity must go further, I wish that they may repent; for indeed, they have committed a great sin in that particular; I pray God with Saint Stephen that this be not laid to their charge; nay, not onely so, but that they may take the right way to the peace of the Kingdome; for my charity commands me, not onely to forgive particular men, but my charity commands me to endeavour to the last gasp the peace of the Kingdome. This Sirs, I do wish with all my Soul, and I do hope,  
(there

(there are some \* who will carry it \* further) that they may endeavour the peace of the Kingdome.

Turning  
to some  
Gentlemen  
who took  
his Speech  
in short  
writing.

Now Sirs, I must show you both how you are out of the way, and I will put you into a way: First, you are out of the way; for certainly, all the way in which as yet you have gone, as I could ever find out by any thing, is in the way of conquest; certainly this is an ill way, for conquest Sirs, in my opinion, is never just, except there be a good, just cause, either for matter of wrong, or to defend a just Title, and if in the prosecution of the quarrell, you shall go beyond this, it will make that unjust at the end, which was just at the beginning. But if it be onely matter of conquest, therein it is a great robbery, as a pirate said to Alexander, that he was a great robber, and that he himself was but a petty robber: and thus Sirs, I do think

*think, that the way you are in, is much out of the way; Now Sirs, for to put you in the way, believe it, you will never do right, nor will God ever prosper you, untill you give God his due, and the King his due, that is, in their course of time, my Successors, and untill you give the people their due; I am as much for them as any of you are. You must give God his due, by regulating aright his Church according to his Scripture; your church is now out of order, for to set you particularly in a way now, I cannot, but onely by a Synod of the whole Nation, who being freely called, and freely debating amongst themselves, may by Gods blessing settle the Church, when every opinion is freely and clearly discussed.*

*For the King indeed, I will not much insist—Then turning to a Gentleman whose cloak he observed*



ved to touch the edge of the Ax, he said unto him, *Hurt not the Ax*, meaning by blunting the the edge thereof, *for that he said might hurt him*. Having made this short digression, he proceeded; *For the King, the laws of the land will clearly instruct you, what you have to do; but because it concerns my own particular, I only do give you but a touch of it.*

*As for the People, truly I desire their liberty and freedome, as much as any whosoever; but I must tell you, that their liberty and freedome consists in having of government by those laws, by which their lives, and their goods may be most their own. It is not for them to have a share in Government, that is nothing Sirs, appertaining unto them. A Subject and a Sovereign are clean different things; and therefore untill that be done, I mean, untill the peo-*

ple be put into that liberty, which I speak of; certainly they will never enjoy themselves.

Sirs, It was for this that now I am come here; If I would have given way to an arbitrary power to have all laws changed according to the power of the sword; I needed not to have come hither, and therefore I tell you, and I pray God that it be not laid to your charge, that I am the martyr of the people.

In troth Sirs, I shall not hold you much longer, I shal onely say this unto you, that in truth, I could have desired some little longer time, because I had a desire to put this, that I have said into a little more order, and to have a little better digested it than I have now done; and therefore, I hope you will excuse me.

I have delivered my conscience, I pray God that you do take those courses, that are most for the good of  
the

*the Kingdome, and your own salvation.*

*Dott. Juxon.* Will your Majesty although the affection of your Majesty to Religion is very well known; yet to satisfy expectation, be pleased to speak something for the satisfaction of the world.

*King.* I thank you very heartily (*my Lord*) because I had almost forgotten it. In troth Sirs, my Conscience in Religion, I think is already very well known to all the world; and therefore I declare before you all, that I die a Christian, according to the profession of the Church of England, as I found it left by my Father; and this honest man\* I think will witnesse it. Then turning to the Officers he said; Sirs, excuse me for on this same, I have a good cause, and I have a gracious God, I will say no more. Then turning to Colonel

\* Pointing  
at Dr. Jux.



*Hacker* he said. Take care they do not put me to pain, and Sir this if it please you; but then a Gentleman, one Mr. *Clerk*, comming neer the Ax, the King said, take heed of the Ax, pray take heed of the Ax: Then the King turning to the Executioner, said, I shall say but very short prayers, and when I stretch forth my hands — Then the King called to Doctor *Juxon* for his Night-cap, and having put it on, he said to the Executioner: Will my hair trouble you? who desired him to put it all under his Cap, which the King did accordingly by the assistance of the Executioner and the Bishop; the King then turning to Doctor *Juxon* said, I have a good Cause and a gracious God on my side.

*Doctor Juxon*, There is but one stage more, This stage is turbulent indeed,

indeed and troublesome, but very short, and which in an instant will lead you a most long way from earth to Heaven, where you shall find great Joy and Solace.

King, *I go from a corruptible to an incorruptible Crown, where can be no trouble, none at all.*

Doctor Juxon; You shall exchange a temporall Crown for an eternall one, it is a good change.

The King then said unto the Executioner, *Is my hair as it should be?* He then did put off his cloak, and his George, which he gave to Doctor Juxon, saying, *Remember* \*. He immediately afterwards, did put off his Doublet, and did put on his cloak again, and looking on the Block, he said unto the Executioner, *you should make it to be steddie.*

*It is thought to be delivered to the Prince.*

*Execut.*

*Execut.* It is so.

*King,* *It might have been something higher.*

*Execut.* It cannot be made higher now.

*King,* *When I shall stretch forth my hands in this manner, then—*

After that, when standing, he had spoke two or three words unto himself, with his hands, and eyes lifted up towards Heaven, immediately stooping down, he laid his neck upon the Block, and when the Executioner had again put all his hair under his cap. The King said, *stay till I give the Sign.*

*Execut.* So I do, if it please your Majesty; and after a very little respite, the King did stretch forth his hands, and immediately the Executioner at one blow did sever his head from h's Body.

*Sic transit gloria Mundi.*

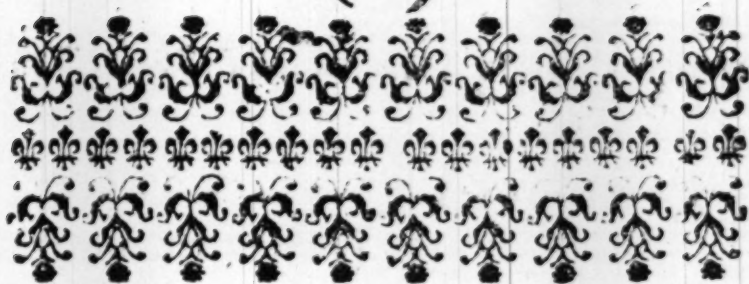


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The present Warre parralel'd.  
Or

*A brief Relation of the five years  
Civil Warres of Henry the  
the third, King of England,  
with the event and issue of  
that unnaturall War, and by  
what course the Kingdome  
was then settled again.*



Henry the third of  
of that Name,  
(a man more pi-  
ous than prudent  
a better man than  
King) swayed the Scepter of  
this Kingdome 56. years. The  
former part of his Reign was  
D very



(2)

very calm, the latter as tempestuous.

The main Tempest was thus raised, the King for many years during that high calm, had sequestered himself wholly to his harmlesse sports and recreations, and intrusted the whole managery of the *State* to his officers & Ministers. These taking advantage of his Majesties carelesnesse (the main fault of this King) insensibly suck'd and drained the Revenues of Crown and Kingdome; till the King awakened by extream necessity, began to enquire, not how he came in (for his necessities would not permit that) but how he might get out.

The best way that his evil Counsellours could find to relieve their Master and save them-

(3)

themselves, was (the ordinary way of supply in Parliament declined, to have recourse to Monopolies, Patents, and other extraordinary and illegal Taxations. But (præternatural courses are never long-lived) the free born *English* would not long endure such Slavery.

When the King saw there was no other remedy, he throws himself into the bosom of his people for relief and advise in \* Parliament \* where they undutifully taking advantage of his Majesties extremities, in stead of relief outbrave him publickly, with a \* Catalogue of all the mistakes, and all the misfortunes of his former government; which coming to the peoples ears soon stole away

*\* Anciently called the wood or mad Parliament ordinance in History stiled isafanum Parliamentum. Fabian. \* Chron. Norwic. \* Like the Remonst. of Decem. 15. 1641.*

D 2                      their

(4)

their hearts, and alienated their affections from their Sovereign, and left him wholly to the mercy and will of his Parliament. They sensible hereof, and that the reins of Government were now cast upon their necks, (like *Apollo's* Horses, when *Phaeton* had the driving of them) ran violent by courses, till they set the whole Kingdome on fire.

*Matt. west.  
& Mat.  
Paris.*

So far they went, as to make an Ordinance, That whereas there was a present want of a through Reformation in the State, the Government whereof should be put into the hands of four and twenty, *Qui Regia potestate suffulti*, who being armed with Sovereign power, should take upon them the whole care and Government of the Kingdome, should nominate and appoint



(5)

appoint the Chancellour, Treasurer, Chief Justices, Governours of Forts, Castles, and Navie, and all other great Officers and Ministers of State for all times to come.

To this traiterous Ordinance, the King, *Metu incarcerationis perpetuae compulsus est consentire*, for fear of perpetuall imprisonment, was inforced to give his Royall assent: and for further security, to be content to give it under the great Seal, and upon Oath, that whensoever he attempted to assume unto him his Regall Power, *Liceat omnibus de Regno nostro contra nos insurgere, & ad gravamen nostram opem & operam dare, ac si nobis in nullo tenerentur*. It should be lawfull for all his Subjects to rise against and oppose him, as if they owed no allegiance to him.

Mat. west.

Chron. orig.  
sub sigillo.

Strange it is, that he should be  
content

(6)

*Nil nisi pro  
umbra no-  
minis habebatur.*

Mat. West.

Mat. West.

content to be a meer Cipher, that so lately was the onely Figure of the whole Kingdome, that he should be content to part with at once with every tittle of Sovereignty, but the bare title! but prodigious, that so many choice Senators, so many Fathers and Judges of Law, and conscience, should so forget God and themselves, as to give their assent for the totall subverting of the Regall authority, when as they had all taken their corporall oathes, *De terreno honore dicto Regi & hereditibus ejus servando.* Which Oath was well kept (saith mine Authour) *Ordinando ne unquam regerent, sed semper ab aliis regerentur:* by making an Ordinance that they should never rule again, but alwayes be ruled by others.

These four and twentie thus  
settled

(7)

setled, continue the Parliament during their pleasure, put the Kingdome in a posture of Defence, place Governours of their own choosng, Such as they could confide in, in the chief Forts, nominate and appoint Judges of Assize, Sheriffes of Counties, Coroners, Bailiffe (discharging those that were made by the King) Took an Oath of them all respectively. *Regist. Ros-  
sen.*

And here they would make the people believe they should never be troubled with licentious Soveraigntie again ; (but never more as it proved : ) for now every one of them began to value his own worth, and to hammer his head on every design, that might enlarge his own power and command. In brief of so many subjects they became *totidem tyranni*, as the book of



(8)

Saint *Albanes* speaks) so many Tyrants, and for one bad King before, they have four and twentie worse.

But *England* (like old *Rome*) cannot long endure more Kings than one: great faction and deadly feud arose between the chiefest of them; which the rest taking into consideration, and perceiving that by so many heads, not onely Monarchy was dissolved, but faction and debate every day increased upon them, so wrought, that all, but five, agreed that the foresaid Ordinance should be repealed, and the King restored to his pristine power.

But those five Members stily oppose this agreement, and for the maintenance of their cause, *trahunt multos pseudopphetas, lupos in ovium vestimentis, qui*  
*contra*

(9)

*contra Christi Vicarios, & Christi M. westm.*  
*Domini Regē ipsum murmurant, non* Preaching  
*ut spiritus sanctus eloqui; sed ut* that Reli-  
*superioris potestatis contemptores* never be  
*obloqui dabant:* they drew to thoroughly  
their side many lying Ministers or the diffe-  
(Wolves in the sheeps clothing) rences fully  
who murmur and speak evil a- *sine gladio*  
gainst the Lords anointed, not as *materiali,*  
the Holy spirit gave them utter- and that all  
ance, but as the despiser of digni- that should  
ties gave them their Lessons. lose their  
lives in this  
cause were

These Incendiaries by their Martyrs.  
sheeps clothing (a fair conversa- *Rishang.*  
tiō) drew the people every where

to side with them against the K.  
and those that wisht the King his  
former power. Which the King  
perceiving, and how the multi-  
tude grew every day more and  
more tumultuous, (for all things  
were now carried by tu- *chr. Dunst.*  
mults) was advised by his Privy  
E Council,

(10)

Council to withdraw himself (lest His person might be endangered) from the Parliament (then held at *Westminster*) to His Castle of *Windsore*.

After some contestation at this distance, it was agreed upon by the King and his adherents, and the five members and their adherents, that the difference should be referred to the *French Kings* arbitrement. \* The King of *France* upon the day of hearing, gave sentence that the said Ordinance, whereby the King was deprived of his Regall power, should be made null.

The five members and their complices seeing this, (notwithstanding they had bound themselves by oath to stand to his award) flew off, and resolving to have their own wills, drew into arms, made choice of the Earl of *Leicester*



(II)

*Leicester* for their General (& for their own private interest, pretending the publick good) drew the greatest part of the Kingdom after them, \* so easie it is to draw \* *cotton.* the fickle multitude to the wrong side) crying every where at first, *Liberty and Religion*, though towards the end of the warre not a word of either.

By their fair pretences, they gained so farre upon the *Lond-* *Hollinsh.* *ners*, that they generally enter into a Covenant to assist the Earl: For which purpose (besides a new Major or Bailiffe) they choose two Commanders, *Thomas Pyweliden* and *Stephen Buckerell*, at whose command, by the towing of *Saint Pauls* great Bell, they were to be in armes upon any occasion. Their first exploit was a march to *Isleworth* in a tumultuous manner, where they plundered

E 2

dered and fired the Kings brothers Mannour house.

The Earls Army by this time on their march, plundered all that were disaffected to their cause and proceedings, and imprisoned them: \* especially those that stood any way affected to the Queen: for they all (but most of all the Londoners) were most maliciously bent against her; in so much that as she was passing the *Thames* near the bridge, a rude rabble of the City got together on the bridge, and with confused yellings cryed, *Drown the witch, &c.* and by throwing dirt and stones at her, drave her back: which impious affront was punctually remembered in the first fight; as you shall hear anon:

For disswading the King to the store said Ordinance of Parliament.

Besides this main armie under the Earl of *Leicester*, they had another armie under the command of

\* *Risbanger*

(13)

of the Lord *Ferrers*, of (whom descended the late Lord of *Essex*) who behaved himself insolently towards the King, in destroying his Parks as he marcht, &c. which in the conclusion cost him dear; yet to delude the people, the main army bore before them the Kings arms, and to shew they were for the King, when they had displaced the old Governors of the Kings Castles and Forts, and placed in such as they could confide in, they gave them an Oath to be true to the King, and to keep those Holds to the use and benefit of the King and State; yet when the King demanded entrance at one of his Forts, wherein they had placed a Governour, he was kept out.

*Douer  
Chron.  
Dunst.*

At Sea the Barons of the Cinque-ports seised the Kings ships, took great Prizes, but they

E 3                      that



that fate at the Stern upon Land  
 shared in those Prizes as the fame  
 then went.

By this time the King began  
 to rouze himself, and finding  
 nothing now left him, but a good  
 Cause and the hearts of his wi-  
 ser subjects, yet by that and these,  
 and the assistance of his Brother  
*Richard*, King of the *Romanes*,  
 in a short space he had raised a  
 considerable Army. (A King can  
 never be so down, but he will rise  
 again) with these he marcht (and  
 like a snow-ball encreased by  
 motion) plundering the Rebels  
 lands as he went to *Northampton*,  
 which was fortified against him  
 by some of the chiefest of the  
 Rebels; yet by a furious assault he  
 soon gained it.

Thence continuing his march  
 into *Sussex*, near *Lewes*, he recei-  
 ved a Message from the Earl, the  
 tenour

tenor wherof was, That as for his Majesty they intended no harm against him, but onely desired that he would remove his evil Counsellours that did advise his Majesty against them, against the honour of the King, and welfare of the Kingdome. The King in his Answer charges them with Rebellion and disloyalty, and commands them to lay down their arms, and to return to their obedience, that they might be received to mercy: but the Earl rejecting the offer (\*when Subjects have once broken their fealtie and trust to their Sovereign they never dare trust their Sovereign again) resolves to give the King battel.

\* *Cambdens*  
Observation  
in the case  
of *Robert*  
Earl of *Essex*.

Near *Lewes* both Armies meet:  
One wing of the Earls Army  
was made up of *London* troops,  
which the Prince being then

Generall of the Kings horse, observing, and remembering, (not without indignation) the abuse offered by the *Londoners* to the Queen his Mother, he claps spurs to his horse, and all his Cavalry after him, crying, [*Here, here, (my brave Cavaliers) are the main contrivers of all Rebellions and mischief; Now, now, if ever charge home,*] and so fell on with that fury, that they presently flie: the Prince in an eager and hot pursuit does great execution upon them for four miles. But this prosperous beginning of the fight on the Kings side was the utter overthrow of the Kings forces: for when the Earl perceived that the Prince (a young fiery spirit) with all the Kings horse was gone so far in pursuit of the *Londoners*, he fell violently on the Kings foot & soon routed them;

*Equites, hæc hæc seditionum sce- rumque omnium capita sunt, nunc, nunc fortiter adjuvite tela.*



(17)

them; took the King (his horse being slain under him) prisoner. The Prince at length retreating, (when he saw all lost) surrendered himself. There were taken in this fight (besides those royall prisoners, the King, the Prince, the Kings brother, and his eldest Sonne) above twenty Noble-men that were for the King; and slain about \* 3400.

\* Southwel.

The Earl having thus gotten a compleat victory, forthwith endeavours to seise all the *Militia*, *Rishang*. and power of the Kingdome, for which end he carries the King about with him to countenance his actions; but the rest of the royall prisoners he disposes in severall Garisons.

And now the Earl believes all his own, and the people dream of nothing but Peace, but alas the warre was not begun till now:

F

For

For when the torn remainder of the loyall army that escaped at *Lewes*, now keeping Garison in *Bristow*, and other noble spirits saw how insolently the Earl dealt with his and their Sovereign, in barring him of his liberty, &c. They soon raised a considerable power under the command of *Roger Mortimer* Earl of *March*: unto whom many flockt out of *Shropshire*, *Cheshire*, *Herefordshire*, and *Worcester*, that were well affected to the King.

Moreover the Queen (who was a *French* woman) got over beyond Sea, to try her friends for their assistance to restore her husband to his former liberty and authority, *Quod ad laudem & magnificentiam Ælionoræ Anglorum Reginae libet intexere* (saith one of that age) *quod Domino suo, & Eduardo filio tam strenuè*  
 &

(19)

*Et tam viriliter tanquam virago  
potentissima succurrendis fortiter  
insudaverit.*

But before these Forces were well united, the Rebels Forces were as well divided: for debate arising, (as is usuall in all confederations, where all parties must be pleased, or else the knot will dissolve) between his Excellency the Earl of Leicester and the Earl of Gloucester, because his Excellency, minding his own private, more than the publick good of his fellow Rebels (without any respect had to his adjutants) ingrosses all to himself, disposes of the royall prisoners at his own pleasure, seised on the revenues of the Crown, and composition of delinquents for his own use, (whereas they had privately agreed before, *Ea omnia equâ sorte inter eos dividenda fore*)



In brief, he shared all places of power and profit between himself, his sonnes and his allies. Whereat *Glocester*, (as good a man as he) stomackt and fell off with his followers to the Prince, who by this time (*disponente Domino clavigero carcerum*, every thing working for the King) had made his escape out of prison at *Hereford*: (for being allowed by his keepers to aire himself sometimes on horse back in the town Meadow, after he had tyred two or three, at length he mounts a speciall flight Nag, and putting spurs *Custodibus valedixit*) and came safe to *Wigmore Castle*, where the Lord *Mortimer* lay with his Forces raised for the King, so marcht on with a great prwer, taking in (as they went) some strong Garisons of the Rebels, plundered their houses, drave

(21)

drave their Cattell, &c.

Here the war grew hot, each side fortifying towns, plundering and driving all round about to store the Garisons: Mens houses (which were wont to be their own Castles) were now made Castles, but the owners were least masters; all left to the mercy of the rude souldier, the poor Countreymans dwelling house, pillaged every where and searcht, \* *usque ad lectorum stramentum*, to the very bedstraw: \* *Risbanger* nor onely mens houses, but even Gods houses, the very Churches were not free from the prophane hands of plunderers; the highways lay unoccupied, no passing from Town to Town without danger of robbing.

When the Prince, the Earl of Gloucester, the Earl of March, with the reliques of the Royall Ar-

my were united and well ordered, they resolved to give his Excellency (the Earl of Leicester) battel: At *Evesham* in *Worcestershire*, by a speedy and unexpected march they came upon him. The Earl seeing himself engaged to fight, gave order that his own coat-armour should be put upon the King, who was then a prisoner in the Army, and that the King for the safety of his person forsooth) should be placed in the front of the battel, that so if the battel went against him, the King might be aimed at as Generall, and his Excellency thereby make his escape. But the King at the first Charge called out to the loyall Army, that he was their King, and so was preserved; yet not without the losse of some of his own, (being wounded by a javelin) as well as  
his



his subjects blood: the battel was very violent, and went sore against the Rebels; at length the Earl himself (the head of this Rebellion) was cut off; at the instant of whose death there happened such extraordinary lightning, and thick darknesse, that it struck a generall horror and amazement into the hearts of the Rebels, as if the King of Kings would now at last visibly revenge the Kings quarrell, or as if they had seen Gods immediate hand against them, as once against *Corah*, and the 250 Assembly men, *Num. 16. v. 35.* for the like rebellious practises.

In this signall Battel were slain (besides the Earl and his son) sixteen Lords and Knights, and about ten thousand more of the Rebels part.

The Earls Corps was strangely

(24)

(though not undeservedly) handled by the people, who were so enraged against him, the chief actour and authour of their so much mischief and misery, that (in dispight of him) they lopt off his head, hands, feet, and privy members, and sent them (in scorn) for tokens to severall places; his body was buried in *Evesham* Church. Notwithstanding this, there were many ignorant people (who had been by specious pretences abused, and seduced to that side) that were of opinion for a long time after, that he dyed a Martyr, because it was in defence of their holy (as they thought, but indeed impious) Covenant & Oath.

Two of the Earls sons were at the same fight taken prisoners: not long after they made an escape out of Prison, but could not escape

escape Gods vengeance on Rebels; for in *France*, *In miseriis dies suos finiverunt.*

The Countesse being banished, died a Nunne in *France*. All the Earls Honours and Possessions were conferred upon *Edmond* Earl of *Lancaster*, the Kings second son. And thus ended this great fiery Meter in a stench. Thus fell our English *Cataline* (as *M. Cambden* styles him) a man in shew fair and honest, but indeed, *Vir pravo ingenio, & profunda perfidia*: of a perverse disposition and treacherous beyond any mans suspicion; after his Sovereign had heaped upon him many high favours, as the Earldome of *Leicester*, and that high and honourable office of Lord high Steward, and (to endear him the more, had given him his own Sister in marriage: in token of

G                      thank.



thankfulnesse, he doth his utmost endeavour to diminish the Kings known authority, to subject him to the wills of his Subjects, to pull down Monarchicall government, and set up a factious Oligarchy, and all under that fair common pretence of restoring Religion to its purity, and the People to their liberty.

The K. thus happily, preserved & almost miraculously (all things considered) set at liberty; about a Month after calls a Parliament at *Winchester*, (no more at *London*, untill it was more loyall and lesse tumultuous) where by a full Convention it was enacted, *That all Statutes and Ordinances made by the former Parliament (called the wood or mad Parliament) should be repealed, and all writings and bonds then sealed by the King for observing the same, should be*

*Fabian.*

(27)

be cancelled and made void. That  
the City of London, ob suam Re. *R. shanger.*  
bellionem, for this her Rebellion  
should be deprived of all her ancient  
Priviledges and Liberties, and the  
Ringleaders of them, Iuxta volun-  
tatem ipsius Regis plecti, to  
suffer such punishment as his Ma-  
jestic was pleased to inflict: Et  
diciores Civitatis in carcerem tru-  
derentur (saith Matth. Westm.)  
Pro eo quod Simoni, in Regis con-  
temptum, & etiam damnum Regni,  
fortiter adhæserint: that the weal-  
thier Citizens should be cast in  
Prison, because they had in con-  
tempt of his Majestic, and great  
dammage and mischief of the  
Realme assisted the Earle. Fur-  
thermore it was there enacted  
that all such as had favoured the  
Rebels (were they now in Pri-  
son, or at large) should forfeit  
all their estates.

G 2

After

Afterward the King marcht with a great power to *Windefore*, resolving (as the same then went) to destroy the whole City of *London*: many of the Rable and wild Commonars (saith *Fabian*) were as resolved to defend the City against him: but the wiser sort thought better to become humble Petitioners for their pardon of what was past, then to incense his Majestie any farther; and to that end drew up an humble Petition, and presented it to the King: but their late rebellious carriage had so farre provoked his Majesties patience, that he would not so much as admit of their Petition, or hearken to any that endeavoured to mediate for them.

Hereupon they were advised to draw up an instrument or writing, whereby they should yield them-



themselves wholly, both bodies and goods to the Kings mercy, which was done accordingly, and sealed with the common Seal of the City.

His Majesty upon earnest suit unto him, accepted hereof, giving present expresse command, that all the chains and Posts, which they had placed at every street and lanes end, should be forthwith carried to the Tower, and that the Mayor and fourty of the chief Citizens should repair unto him the next day, and confirm their said writing: this was done, and they all came accordingly; but (contrary to their expectation, though not deserts) were all delivered into the custody of the Constable of *Windsore* Castle, and shut up there in a large Tower, where they had small chear, and worse lodging. The next day  
toward

toward night, all (but five where-  
of the Mayor was one) had their  
enlargement. Those five their  
bodies and goods, were as a boon  
bestowed on the Prince, the rest  
were commanded to attend at  
*Windefore* for a long time after.

Sixty or seventy wealthy Citi-  
zens with all their Land, Goods,  
and Chattels, did the King di-  
pose to his household servant.

For the Government of this  
unruly City, the King appointed  
one *Oibon* a forreigner, or stran-  
ger, first Constable of the Tower,  
and then *Custos*, or Warden of the  
City, to pull down their haughty  
spirits, and that his Peace for the  
future might be surely kept, he  
required the best mens sonnes in  
the City for Hostages, these he  
clapt up in the Tower, and cau-  
sed them to be there kept at the  
cost and charges of their Parents.

Daily

Daily suit was made unto his Majesty for his Pardon and Favour, but in vain: then they petition the King to know his gracious pleasure, what Fine he would demand of the whole City, for their offences against him. The King at length signified unto them that the summe of fifty thousand Marks should be their Fine. Whereto the *Londoners* return this humble answer. They had been of late by this unhappy War, so exceeding impoverished, that a summe so great, (as it was in those times) could not possibly be raised amongst them; wherfore they humbly beseeched his Princely compassion might be so far extended towards them, as to require and accept according to their abilities. At length, after much suit and submission, and a Fine of twenty thou-



thousand Marks, the King received them to mercy, and sent them under his great Seal a generall Pardon (those onely excepted, whose Estates were already bestowed) granting and allowing, that their former Charter & ancient Priviledges should be restored unto them, *notwithstanding all the transgressions* (they are the words of the Pardon) *and Trespasses done to us, to our Queen, to our noble brother Richard King of Almain, and the Prince our first begotten sonne.*

And here was the first pacification betwixt the King and the Londoners, for whom we say thus much, *That their foul Rebellion against their Sovereigne, was not more detestable, than their humble submission to their Sovereign was commendable.* And therefore in the Ordinance,  
called

called *Dictum de Kenelworth*, made for the settling of the Kingdome, we find them (notwithstanding, all their disloyalty) commended, as shall be seen in the ensuing Story.

After the proud stomack of this City was brought down, and all tumultuous spirits quelled, the King calls his Parliament (*in festo sancti Edwardi Regis*) to *Westminster*, wherein those that aided and assisted the Earl, were all (excepting the *Londoners*) attainted, and that all their Lands and Goods were forfeited.

But this sentence (though it was lesse than they deserved) yet was more than they would endure, and therefore the fire (that was not yet quencht, but smothered) breaks forth again. Some flie into the Isle of *Ely*, and fortifie that. Some into the Isle of *Axholm* in  
H                      *Lincoln-*

*a* *Risbanger*  
*b* This Lord  
 Henry, the  
 Kings Ne-  
 phew was a  
 valiant  
 Souldier,  
 and having  
 found out  
 the L. Fer-  
 rers at *Che-*  
*sterfeld*,  
 gave him  
 battel, and  
 overthrew  
 him, and  
 because he  
 had been  
 pardoned  
 once before  
 it was de-  
 creed that  
 he should  
 be degra-  
 ded, and de-  
 priv'd of the  
 Earldome  
 for ever, &  
 fined fifty  
 thousand  
 pounds.

Lincolnshire. Another party pos-  
 sessed themselves of *Killingworth*  
 Castle. Another under the com-  
 mand of the Lord *Ferrers* in the  
 Northern parts. And amongst  
 others, one *Adam Gurdon* lived as  
 an Outlaw in *Hampshire* (*a tum*  
*rarus aut nullus locus in Anglia fuit*  
*tutus, eo quod terra erat vespilionib-*  
*us plena.* Now scarce any place  
 in *England* free from plunderers.

To reduce these to obedience,  
 the King undertakes *Killingworth*  
 Castle. The Prince was sent  
 against *Adam Gurdon*, Lord *Ed-*  
*mond*, the Prince's brother, against  
 those in *Axholm*; and Lord *Henry*  
 King of *Almains* sonne, against  
 the Lord *b Ferrers*.

To the Rebels in *Killingworth*  
 Castle the King sent first a graci-  
 ous Message, willing them to  
 desist, and to return to their obe-  
 dience. But they contrary to all

Law



Law of Arms, contrary to natural civility, cut off the Messengers hand, and sent him back with an uncivil answer. Then the King marcht to *Killingworth*, and sat down before it upon Midsummer Eve. During the siege (which lasted six moneths) *Clerus & populus convocantur, & duodecim eliguntur de potentioribus Procerum, & prudentioribus Prælatorum, quibus datur potestas ordinandi super Statutum exheredatorum, &c.* The Clergie and Laity are assembled, and out of the chiefest of the Peerage, and wisest of the Prelates were chosen twelve, to whom power was given to pronounce sentence against the Rebels, and to settle the Peace of the Kingdome; they, first taking an Oath, *de utilibus ordinandis*, to decree nothing but what should be for the good of the common weale.

Then the people take a solemn oath, *Quod dictum ipsorum inviolabiliter observarent*; that they would stand to their Decree, which to this day by our Lawyers is called, *Dictum de Kenelworth*; a severe; yet a good and wholsom course (without effusion of blood) to punish Rebellious Subjects.

Dictum de  
Kenelworth

The Decree was as followeth,  
*In nomine sanctæ & individuae Trinitatis, Amen. Ad honorem & gloriam Omnipotentis Dei Patris, & filii, Spiritus sancti, &c. Et ad honorem & bonum prosperum & pacificum statu Christianissimi Principis Domini Henrici Regis Angliæ illustris. & totius Angliæ Ecclesiæ, Nos Wilielmus, &c. In English thus.*

In the name of the holy and individuall Trinity Amen. For the honor and glory of Almighty God, the Father, Son, and holy Ghost, &c. And for the honour, prospe-

the  
pound,

prosperity, and peace of the most Christian Prince our Sovereign Lord *Henry*, the most Renowned King of *England*, and of the whole Church of *England*, We *William Exon*, *William Bath and Wells*, *Henry Worcester* and *T. S. Davids*, Bishops. *Gilbert de Clare* Earl of *Glocester*, *Humphrey* Earl of *Hereford*, *Philip Basset*, *John Bailof*, *Robert Wallop*, *Alan de la Souch*, *Roger de Somerie*, and *Warren de Basinghorn*, providing for the welfare of the Land, &c, have thought fit to order as followeth.

1. That the rebels be not wholly deprived of their estates, but shall have liberty to redeem their lands by Fines in manner following.

1. That those that were in the fight at *Chester-field* against our Sovereign Lord the King.

*Item.* All those that by force of arms impiously kept *Northampton* against the King.

*Item,*



*Item*, Those that gave the King  
battel at *Lewes*.

*Item*, Those that were taken  
prisoners at *Kenelworth*.

*Item*, Those that came to pil-  
lage *Winchester*, or were elsewhere  
against the King, whom the King  
hath not pardoned.

*Item*, Those that gave the King  
battel at *Evesham*.

*Item*, All those that freely and  
voluntarily and without any  
compulsion, have contributed to  
the War against the K. or Prince

*Item*, The Officers and servants  
of the Earl of *Leicester*, that  
pillaged their neighbours, or were  
the cause of any murders, firings,  
or other enormities, that all these  
be fined five years Revenues of  
all their Estates respectively : and  
that if they pay down their Fines  
presently, they may enjoy their  
Lands presently : but if the land  
must be sold for the payment of  
the

the Fine, he, on whom the King bestowed it, shall have the refusal, if he will give as much as any other. And if the originall owner will pay down the whole Fine, he shall have the whole Land; and likewise if he will pay the moiety, or third part, he shall have the moiety or thirds of the Land. And if at the end and term appointed, the owner doth not pay for the other moiety, it shall be clearly theirs on whom the King was pleased to bestow it.

And as soon as any one hath paid down his whole Fine, such shall have liberty to let, or set, or sell his land within the prefixed time.

Those that have Woods and would willingly make sale of them for the payment of their Fines; He, on whom the King bestowed, and the originall owner shall have each one his Bailiffe to see

see it sold: and those two Bailiffes shall (as fast as the money is made) pay it to whom the Fine was given by our Sovereign Lord the King: this payment must be made within three years at the farthest.

All Officers and Reformades that were known to be common plunderers, and made it their businesse to plunder, if such have no lands, but onely goods; they shall be fined one moiety of all their goods, and shall find sufficient sureties, that they shall keep the peace of our Sovereign Lord the King, for the time to come. They that have nothing shall be sworn upon the holy Gospel, and find sufficient sureties, that they will keep the Kings peace for the time forward, and shall make such satisfaction, and do such penance, as the holy Church shall censure, except



excepting onely banished persons, who are wholly left to the will and pleasure of the King.

2. Moreover, as for Wards or young heirs, (that were in actual Rebellion against the King during their minority) their Guardians shall pay their Fines, and the said Wards (when they come to age) shall pay back the same to their Guardians within two or three years, so that the Guardians shall have the Wardship and their marriages (without disparagement) even till they be come to full age, and all Wards shall pay their Fines after the same manner as those of full age. Onely the Kings own Wards shall be in the hands of those, to whom the King shall give them untill they come to years, and then they shall pay down their Fines according to the same manner as those

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of

of full years; Provided alwayes that there be no waste made by the Guardians upon their estates; If there be, then the Guardians to be punished according to Law.

3. If any that were for the King before and since the battel at *Lewes*, be now fined for not assisting the Prince (when he was raising arms to rescue his Father,) we leave him to the King to be censured or pardoned, as he shall think fit.

4. That there be no sale or waste made of any Woods by those on whom they were bestowed, unlesse the Fine be not paid within the time limited. Onely it is allowed that they cut so much as is necessary to keep the houses in reparations; and if they shall exceed this allowance, to be severely punished.

5. If any be thought to be dangerous

gerous persons, and that they are like to move sedition, and to revive the Wars; let the King secure their persons as he shall think fit, either by sending them into forrein parts for a time, or what other way shall be thought expedient; provided alwayes, that if they be thereby hindered from paying their Fines, they shall not forfeit their estates.

6. That if any will not submit to this Ordinance, he be left to be censured at the King-Bench-Bar, before the Feast of St. *Hillary* next coming. All those that live in forrein parts shall find sureties (according to the Lawes and customs of those States) to live peaceably, otherwise that they shall not be received in a peaceable manner.

7. Whereas the Kings Majesty is engaged to many that served



him in his warres, and faithfully stuck to him, whom he hath not yet sufficiently rewarded, and some have been rewarded above their deserts, we desire that the King take speciall care, that out of Delinquents estates they may be all rewarded to the full, lest otherwise a new war; should be occasioned.

8. That the Kings Majesty be graciously pleased to make choice of twelve able men that may be authorised to see all this punctually and faithfully performed, and that the Kings Majesty, his Heirs, or Successors take care that it be all firmly observed and maintained, and to inquire into, and regulate, and see duly executed, what shall be by the said twelve men ordered according to reason and equity.

9. That all farmers and renters  
of

of lands that were against the King shall lose their farms for all the term or time of their leases, that are to come, provided that the landlords be no wayes endammaged) and when the term of their leases are out, then to return to the landlords again.

10. As for Castles and Forts built by the Kings grant and allowance upon any delinquents ground, contrary to the will of the said delinquent; We decree that (after the owner of that land hath paid his Fine, which must be within three years) for six years more the owner of that land shall pay such custome as was imposed by the King, or else accept of a reasonable exchange for the land.

11. All Lay-men who notoriously advanced the Earls designs, and assisted him, or his adherents,

*Attrahendo homines per mendacia*

*Et*

*& falsitates parti Comitum & suorum, & detrahendo parti Regis & filii sui, by drawing people through lies and falsities, either to the Earl and his party, or from the King and his party; it is ordained that they be fined as much as two years revenues of all their estates.*

12. That all such as were pressed; or out of fear went to the wars, but never fought against the King, or did any mischief; also those that being not able to go themselves, yet by force and fear were compelled to contribute towards the Army against the K. or Prince or did any mischief also those that were enformed to be plunderers, or to aid and assist any plunder-masters, and yet did return to their habitation as soon as conveniently they could, be all left *In misericordia Domini Regis.*

13. That



13. That all those that wittingly bought any plundered goods, restore the value of the goods, and be in *misericordia Domini Regis*; because they thereby have offended against the Law, and done contrary to the Kings expresse command, set for half a year before.

14. That all those that at the Earls command went into *Northampton*, yet never gave the Rebels their assistance, or made any resistance, but as soon as they perceived the King coming took Sanctuary (provided that this be attested by the oathes of good and lawfull men) likewise those that owed no suit or service to the Earl, and yet came upon his command, be all fined half a years revenue of every one respectively; but those that held of the Earl in Fee, let them be onely in *Misericordia Domini Regis*.

15. That

15. That impotent silly people, and all such as did no mischief, may enjoy their estates as formerly, and recover damages at the *Kings Bench*, against those that shall wrong them.

16. Those that accuse any of their fellow subjects out of malice, be punish'd at the Kings pleasure, and that his Majesty thence forward, do not easily give credit unto them. And we judge that they deserve the same punishment as the accused, if the accusation were true, provided that they lose not life, limbe, or estate.

17. That all such as are accused upon meer malice, may still enjoy their estates, and recover damage against their accusers in the *Kings Bench*, as abovesaid.

18. That all women injoy their own inheritances and dowries. but those lands that came by  
their

their husbands, who have been against the King, shall be redeemed by a fine; according as his Majesty shall impose upon them, &c.

19. That all such as are acquitted (so it be by those that have authority to acquit them) remain and stand in such a condition as they are put into; and that all that have paid their Fines, shall not be responsible for damages and trespasses committed by them upon those, against whom they fought in the time of the late troubles, but that all damages and trespasses be forgiven on both sides, provided that the Church may have her dues.

20. That because it may be of dangerous consequence, that any Castles should remain in the power of those, who were in a-ctuell Rebelliou against the Kings; We therefore decree and ordain,

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that



(34)

that for the Castles of *Hardley*,  
*Bytham*, and *Chertley*, there be gi-  
ven a reasonable exchange.

21. As for the Earl *Simon Mon-*  
*fort* his Countesse, and his sons, we  
decree nothing, because our So-  
veraign Lord the King hath re-  
ferred them, and their offences to  
the King of *France*.

22. As for the City of *London*  
(taking notice, it seems of their  
humble Submission) we commend  
it, and do make this motion to  
our Soveraign Lord the King, that  
by the advise of his Privy Coun-  
cel, he take order for reforming  
the state of the City, and settle  
their Lands, Revenues, Buildings,  
and Liberties, and that this Order  
be presently debated.

23. For the *L Ferrers* we decree,  
that he be fined seven years reve-  
nues of all his estate.

24. That all that now keep  
*Killing-*

*Killingworth* Castle be pardoned, except *Henry Hastings*, and those that had any hand in cutting off the Kings Messengers hand, all which shall be Fined seven years revenues, of all their estates, or else submit themselves to the Kings mercy.

25. That all men whatsoever endeavour to keep the peace of the Kingdome, that none presume to commit any outrages, firings, murders, robberies, or by any other means break the Peace. Which if any shall be so hardy, as not to observe, and be thereof lawfully convicted, let him have sentence according to the Laws of the Land.

26. *Item.* That all whom it may concern, take their oaths upon the holy Gospel of God, that they will never take any revenge, be accessory, or consenting to take

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(36)

any revenge, nor will suffer (as much as in them lies) that any revenge should be taken against any one for any injury suffered in the late times of trouble, and if any one shall presume to revenge himself, We decree that punishment be inflicted upon him in the *Kings Bench Court*.

27. That the *Holy Church* receive full satisfaction from those that have injured her.

28. But if there be any that will not submit to this Ordinance, or refuse to be tryed by their Peers before our Sovereign Lord the King, let them forfeit their estates for ever. And if there be any that have gotten possession of the Rebels Lands, and were himself a Rebel, he is thereby incapable of challenging any right to the Land, or to have any title to the fine by the Kings Majesties gift.

29. Whosoever will not submit to this Ordinance, let him be accounted a profest enemy to our Sovereign Lord the King, and to his sons, and to the whole Realm, and let all the Laity and Clergie (as far as the Canon Laws and Common Laws will reach) prosecute such an one as an enemy to the Peace of Church and State.

30. Lastly, that all those that are imprisoned or any way debarred of their liberty, upon reasonable and competent security, shall have their enlargement, by putting in Sureties, or such other way as the King hath allowed.

*Dated and set forth from the Camp before Kenelworth the last day of September,\* in the year of our Lord God 1266. and of the Reign of the most renowned King Henry the third, 51.*

Thus endeth that famous Ordinance

\* About the end of October the King assenbled all the Lords spirituall and temporall, & Knight of shires, to Northampton where this Decree was confirmed by Act of Parliament.



dinance called to this day, *Dictum de Kenelworth*; wherein are comprised the wisest rules that the wisest men of those times could possibly devise, to uphold, compose and recover a tottering distracted, dying Kingdome.

The Barons of Cinque Ports seeing the King prosper, made their peace with the King.

About two Moneths after the publication of this Ordinance, viz. upon Saint *Thomas* Eve, the Castle was delivered up, upon conditions ( too good for those that had so barbarously used the Kings Messenger, contemned the King, and impoverished the Countrey ) to march away with their goods, & to undergo no Fine for taking up arms.

This Castle had the K. bestowed upon the Earl of *Leicester* in frank marriage with his sister *Ælionor*; but when the Earl by his Rebellion had forfeited, and the King had now won it, he gave it to his own

own son *Edmund* Earl of *Lancaster*, who by this time had reduced the Isle of *Axholm*, and all those rude ignorant people, that flockt thither, pillaging and plundering the Kings friends round about.

The Prince also met with *Adam Gurdon*, a famous sturdy Rebell that lay lurking in *Aulton Rishanger*, Wood in *Hamshire*, robbing and spoiling the adjacent parts, *præcipue terras eorum qui parti Regiæ adhaerebant*; the Prince upon his approach, hearing of his valour, sent him a challenge for a single Combate. *Gurdon* accepts it, and performed it so Gallantly, that the Prince assured him of his life and estate, if he would submit: which he did, and was received into great favour with the Prince; but divers of his men were there executed.

But now the Isle of *Ely* was  
strongly

strongly fortified by a great multitude got together, that refused to submit to the Ordinance of *Kenelworth*. Upon the naturall strength of this Isle, and the plenty of all provision therein, seditious Rebels have often presumed, and from hence have molested more Kings than one, as they did now the neighbouring Counties, robbing and pillaging *Norfolk*, *Suffolk* and *Cambridgeshire*, plundering the City of *Norwich*, and carrying away the richest Citizens, made them redeem themselves: at length a Message was sent unto them requiring them to submit to the Ordinance of *Killingworth*, to leave off robbing their fellow Subjects, and to return to their allegiance: Hereto they return this insolent answer, that *they had taken up arms to defend the good of Church and State,*  
*and*



(57)

*and therefore ought to be restored to their lands without paying any Fine.* In brief they require Hostages into the Island, and that they might hold it five years peaceably, till they saw how the King would perform his promises, (perfidious Subjects ever suspect their Princes fidelity) which high insolency of theirs (unheard of till our times) so exasperates the King, that he resolves to try the utmost, to reduce them to their obedience; for that purpose marches with a mighty army against them, the Prince also joyns with a considerable power; after many assaults, at length (after they had held it above two years) by the help of new made bridges and boats, they stormed it on every side, that they were forced to yield.

And now men thought that the

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fire

*Fabian*

fire was quite out. But there were yet some live embers (which the Earl of *Glocester* upon some distast blowing) suddenly flamed out again in *London*, where the Commons of the City forgetting their late punishment, and as men (saith mine authour) without dread of God or the King, drew up in arms again, flock to the Earl of *Glocester*, plundered the well affected to the King, sequestered their estates, brake the prisons, chose a new Mayor and Sheriffes, made Bulwarks and Barbicans, and fortified the City wonderously, and were so confident of their strength and cause, that they durst bid the King battel, appointing *Hounslow-beath* for the field.

The King by a speedy march came to the place at the time appointed; but they instead of meeting his Majesty, ran about the city  
in

in a tumultuous manner. Some to *Westminster*, and there plundered the Kings Palace, *fenestras & ostia fregerunt*, (saith M. Weston) *vix manus à combustione totius Palatii cohibentes*; brake the doores and windows, hardly forbearing to set it all on fire.

Then the King removed his Camp to the other side of the City, and had his head-quarters at *Strafford*, three miles off the City, the rest of the Army lay at *Ham*, a village hard by. The wiser Citizens foreseeing the danger that hung over them, desired a Treaty with the King, whereunto, (though they were unworthy of so much clemency) His Majesty was graciously pleased to condescend, and upon these easie terms, they were again received to mercy.

*Imprimis, Salvo in omnibus dicto*



*Killingworthi*, That the Ordinance of *Killingworth*, should be razed, and the Trenches filled up; lastly, that one thousand marks dammages should be paid down to the Kings brother, for his Man-nour of *Isleworth*, fired by them long before.

Also his Majesty for some years following chose the Mayor and Sheriffes himself: but toward the latter end of his Reign being fully reconciled, he restored them their (often forfeited) \* priviledges.

\* Then did the King comm and, that peace should be proclaimed all the Kingdome over, which was received with joyfull acclamations.

Thus after the Almighty (whose judgements are unsearchable) had suffered crafty seditious spirits, to seduce a whole Nation, to trample upon his Anointed, and to tread his Honour in the very dust for a time, yet at length all his enemies are cloathed with shame, and upon himself his Crown flourisheth again. And

And now after this furious dreadfull Tempest, after so many storms and showres of blood, began a joyfull long-expected Calm, which that they might enjoy without any intervening of more storms, and for the better settling and quieting the Kingdome, the King gives expresse command for the razing of divers in-land Castles; as *Farnham, &c.* That so if another Rebellion should be begotten, it might no where find a nurse, and then it could not be long lived.

Also for the more quiet and secure travelling of his Subjects, he appoints a Captain in every County, who with a Troop of Horse should alway assist the Sheriffe, for the taking and punishing all stragling reliques of the late Armies, and high-way robbers, wherewith the Kingdom  
did

did abound at that time, no place free from them. In some places also, *Ruricolæ* (saith *Rishanger*, the Countrey people would generally rise against them (as against Wolves or Bears;) and at one time, they took and kill'd fifty of them, that were got together near *St. Albans* in *Hartfordshire*.

Besides the King *Proclamari fecit contra pacem Regni disturbantes* set forth a Proclamation against all such as should any way disturb the quiet of the Realm, by plundering or stealing, &c. And that if any man should presume to steal but a Cow or a Sheep, *vel aliquid aliud* (saith mine Authour) he should be surely put to death.

These were the petty devises of that age, to pump and drain the huge sink of the Kingdome: but the Staple policy was, by a  
 Forreign



(63).

Forreign expedition (like a wide sluice) to let out all the filth at once: for which purpose therefore (among others) it was resolved upon, that a great Army should be raised under the command of the Prince, for a voyage to *Palestine*. And by this course especially did his Majesty soon spend the insolencies of his own, and the Rebels Souldiers, made Lawlesse by the late unavoidable Liberty of civil Arms.

And here was an end of this wasting, groundles, unnatural war wherein the subject having struggled and wrestled with Sovereignty, till they had wasted the Kingdom and wearied themselves, at last are content to sit down by the losse, to let the King have his own Rights again, and some of theirs according to the usuall event and issue of such imbroyments.

So at a late Dyet or Parliament in *Germany* (after they had undutifully strived with the Emperour; and wasted the Empire) it was concluded that all should be reduced to the same state as it was in the year 1618.

FINIS